HOUSE OF ASSEMBLY

Tuesday, November 9, 1965.

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

CONSTITUTION ACT AMENDMENT BILL (SALARIES).

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

DISTINGUISHED VISITOR.

The SPEAKER: I notice in the gallery a distinguished visitor in the person of Dato Liew Who Hone, a member of the State Legislature of Perak in the Federation of Malaysia. Dato Liew, who incidentally has a son studying economics at the University of Adelaide, is *en route* to the Commonwealth Parliamentary Association Conference in New Zealand. I am sure that it is the unanimous wish of honourable members that Dato Liew be given a seat on the floor of the House, and accordingly I ask the Honourable the Premier and the Honourable the Deputy Leader of the Opposition to escort him to a chair and to introduce our distinguished visitor.

Dato Liew Who Hone was escorted by the Hon. Frank Walsh and the Hon. G. G. Pearson to a seat on the floor of the House.

QUESTIONS

HOUSING TRUST.

The Hon. G. G. PEARSON: In this morning's *Advertiser* appeared the following report:

The South Australian Housing Trust is understood to have issued an instruction that will result in a slowing of its building rate for the remainder of this financial year. Although the trust has refused to confirm the report, it is understood that the trust has been forced to prune its programme by £80,000 a month, or £560,000 over the remainder of the year. Assuming that the trust pays its contractors an average of £3,500 a house, this would represent a cut of 160 houses in the programme for the current year.

A rumour has been current for some weeks to the effect that the trust has been running short of finance and that its programme would have to be reduced, otherwise the programmed building would grind to a halt, probably in March or April of 1966. The report in the *Advertiser* appears to confirm those rumours. This is a matter of great concern to people who are waiting for houses to be allocated to them, as well as to new arrivals in this country. It will affect industry which needs houses for its work force both in city and country areas, and also the development of country towns. Can the Premier, as Minister of Housing, say whether the report in the *Advertiser* is correct and whether the trust will have to reduce the rate of its building programme for the remainder of the year? If that is so and if it is because the trust's contractors have completed houses at a faster rate than is normal, does this mean that contractors to the trust have available to them resources of material and labour from the private sector of house building, and does it mean that the private sector has also reduced its building programme and thereby has labour surplus to its requirements? Can the Premier say also whether the trust has been building more houses for rental and fewer for sale, thereby involving itself in a greater capital expenditure because of the non-recoupment of finances from rental houses? Did the Premier elect to take up the maximum amount made available to the State for housing by the Loan Council? If he did not, what was his reason for not doing so? Does he intend to make available to the trust the full amount indicated to it at the beginning of the financial year; has there been any curtailment of this figure? In other words, is the trust now being asked to reduce its commitments to a point lower than it had expected to reduce them? In view of the capacity of the industry to build more houses (which is obvious from the report in the *Advertiser*), does the Premier intend to provide finance to enable the additional houses to be built?

The Hon. FRANK WALSH: Having regard to the second reading speech made by the honourable member and to the fact that I am unable to write shorthand, I think it should be appreciated that it is not practicable for me to answer all of the honourable member's questions. However, I believe I can provide to the House a reasonable amount of information about the matter. A report I received this morning from the Chairman of the Housing Trust answers any criticism. It states:

With reference to the article in the *Advertiser* of November 9 (the origin of which is unknown to me)—

and I assure the House it is also unknown to me—

it is true that the Housing Trust is making an adjustment to its expenditure in the near future and this is of the order of £80,000 per month. However, since the cash expenditure of the trust in a normal year is approximately £1,750,000, it can be seen that this is of no great magnitude. The trust endeavours

from time to time to adjust the cash available to its contractors according to the moneys becoming available to the trust, and it always makes these adjustments in such a way that there is very little disruption to its overall programme. As was mentioned in the debate on the Loan Estimates, the trust will have available to it this year slightly less funds in new Loan moneys than in previous years. However, this is not the main reason why an adjustment is being made at this time. A substantial proportion of the trust's cash comes from the settlements on houses sold and, in common with others, it is finding that the delay in settlement is now considerably longer than it was in the past. Since the main lending institutions, and in particular the Savings Bank of South Australia, are doing everything possible to meet the large number of outstanding mortgage settlements, the trust does not wish in any way to reflect on the lending institutions. On the other hand, if settlements could have been arranged for a bigger proportion of houses sold, the present adjustment would not have been necessary. In spite of this, the trust expects a record or near-record of completions of houses in this year.

Incidentally, I doubt whether there has ever been a year when fewer than 3,000 houses have been completed. The report concludes:

No decreases in expenditure are being made in the main industrial areas outside Adelaide, including Whyalla.

I think that last comment answers another question of the Deputy Leader.

Mr. HEASLIP: The Premier said that the Housing Trust money would be reduced by £80,000 a month, and that no decrease in building in country industrial centres would occur. However, applications have been made for houses to be built by the trust in non-industrial country towns, for instance, Laura, in my district. Can the Premier say whether a reduction in building is to be made in country towns or areas and, if it is not, where the reduction will occur?

The Hon. FRANK WALSH: I will ascertain the trust's building programme for houses in the country generally, without attempting to indicate what may or may not happen. I am more concerned about what may not happen. I will inform the honourable member by Thursday, if not tomorrow.

The Hon. G. G. PEARSON: Although I did not expect the Premier to give me off-the-cuff answers to the points I raised, will he examine them and bring down a report?

The Hon. FRANK WALSH: Yes.

MURRAY RIVER RESTRICTIONS.

Mr. CURREN: Recent press and radio announcements regarding water storages under the control of the River Murray Commission have indicated the likelihood of restrictions on the use of water for irrigation purposes in Victoria and New South Wales. Has the Minister of Works a report for the House on the possibility of restrictions in the South Australian irrigation districts?

The Hon. C. D. HUTCHENS: Following his return from last week's meeting of the River Murray Commission, the Director and Engineer-in-Chief reported to me that the commission had decided to impose restrictions on the use of water from the Murray during the six-month period from November to April, inclusive. These restrictions limit the amount of water which New South Wales and Victoria can divert from the Murray each month and also the amount to be allowed to pass for supply to South Australia. During the period of restrictions, the monthly flow to South Australia would be reduced to 94 per cent of the normal allocation, that is a reduction of 6 per cent. There would not be any restrictions on the use of water in South Australia, as this State is not yet using the full amount to which it is entitled. While all States had voluntarily agreed to reduce their diversions on several previous occasions, this is the first time that the commission has imposed formal restrictions in accordance with the provisions of the River Murray Waters Agreement. The position would be reviewed from time to time by the commission during the next six months and any alterations made as dictated by changing circumstances.

HILLS TRAFFIC.

Mr. SHANNON: Last week I asked a question of the Minister of Education, representing the Minister of Roads, about the rebuilding of the bridge behind the Aldgate railway station. Since making that inquiry, I have been still more perturbed by reading that the Highways Department has pegged an area near Madurta crossing, which would indicate the destruction of a small group of rubrum or white gums, delightful trees of which we in the hills are proud and of which we, unfortunately, have only very few left. If this is the case, I am more worried about this diversion for heavy transports with higher loads which is to be used instead of the one originally suggested by the committee, through Wilpena Avenue. Will the Minister obtain a report from the Minister of Roads?

The Hon. R. R. LOVEDAY: I shall be pleased to bring this matter to the notice of my colleague and to obtain a report.

SCHOOL SUBSIDIES.

Mr. HUDSON: In this morning's *Advertiser* at the tail-end of the front page story about the Housing Trust, the President of the Teachers Institute was quoted as making certain remarks about the provision of school subsidies. The remarks quoted, and their presentation, carried the implication that the allocation of subsidy money was falling behind. Has the Minister of Education information about the spending of this year's allocation of school subsidies, and secondly, can be inform the House of the Budget allocation of the subsidy money over the last five years?

The Hon. R. R. LOVEDAY: First, I point out that when the present Government came into office it found that subsidy payments had been delayed for some months in the Education Department because of the lack of finance, and when the Supplementary Estimates were introduced, the department was allocated just over £116,000, of which between £30,000 and £40,000 represented subsidies that had not then been paid. These amounts have since been paid. The amount on the Estimates for subsidies this year is a 10 per cent increase over the amount for last year, and totals £237,000. The department observed early this year that this amount would not last all the year if it were drawn on at the rate at which it was drawn on earlier in the year. I have had the problem examined to ensure that the subsidy question will be dealt with equitably as between all schools, because it was obvious that those schools that had greater funds and got in early in the year had an advantage over those not so favourably placed. Within a week or so the House will be given full details of the policy to be adopted by the Government to ensure that subsidy money is equitably dealt with as between schools. I emphasize that the amount this year is 10 per cent greater than that made available last year, and I am sure that members will realize that the Government's proposal will satisfy school committees and parents more than past proposals have done.

HANSON-BURRA MAIN.

Mr. QUIRKE: Can the Minister of Works say when work on the Hanson-Burra main will begin?

The Hon. C. D. HUTCHENS: I am unable to reply at this juncture, but I shall obtain a report and let the honourable member know.

MOTOR VEHICLE INSURANCE.

Mr. LAWN: Has the Premier a reply to the question I asked last week concerning motor vehicle insurance?

The Hon. FRANK WALSH: I am informed that the tariff insurance companies have treaty arrangements with other tariff companies whereby losses in excess of a certain amount on particular risks are spread among them, so greatly reducing the risk of financial failure of any individual tariff company through an abnormal experience of losses. Non-tariff companies likewise ordinarily make such treaty arrangements with other companies and it would not therefore be proper to assume that non-tariff companies were necessarily more liable to failure through an abnormal experience of losses. The company which the member has mentioned (the Vehicle and General Insurance Company Limited (Australia)) is registered in Victoria with an office in Adelaide. It has a subscribed capital of £250,000, and has lodged the prescribed securities of £80,000 with the Commonwealth Treasurer. It is understood to have treaty arrangements with underwriters of Lloyds, and to be selective in the policies it writes. Beyond that, no information as to its financial strength is available to me, and I have no information as to the extent of reserves it may hold to cover the risks that it may undertake.

LOTTERIES REFERENDUM.

Mr. HALL: The question of a lottery is becoming a hot topic in my district, and literature is being circulated there by certain church interests opposing a lottery. I think all honourable members would agree that the introduction of a lottery depends on the voting that will take place. The literature concerned carries a remark purported to have been made by the Minister of Works who, with his colleague the Minister of Agriculture, voted for the holding of a referendum. As a lottery will not be possible unless a referendum is held and receives a favourable vote, does the Minister of Works think it fair that his remarks (he having voted for a referendum) should be included in literature opposing the setting up of a lottery?

The Hon. C. D. HUTCHENS: The answer is "Yes, I think it is fair." I have seen the article to which the honourable member refers, and it merely repeats the words I uttered when speaking to the second reading of the Referendum (State Lotteries) Bill. The honourable member knows (as all honourable members know) that during the course of my remarks I

said that, although opposed to a lottery (and this was correctly reported in the article, in substance at least), I would accept the decision of the people if they voted in favour of one.

Mr. HALL: The paper to which I have referred, which is being circulated from a church in my district, puts the matter on a political basis. It states:

The Hon. G. A. Bywaters does not support the introduction of a State lottery. The Hon. C. D. Hutchens (Minister of Works) said, "A lottery is dishonest, deceitful and undesirable." The principle of a lottery is opposed to Socialism. A true Socialist cannot with a clear conscience vote in favour of a lottery.

That is political. This church publication shows the Minister in a poor light because he has said that, if the people favour a lottery, he will vote for it. This article would then have him not a true Socialist. This works both ways. Lately there has been much confusion and very often many mistakes made about who is and who is not in favour of a lottery. I think this confusion arises mainly because of the lack of information available about the lottery. Will the Minister see to it that any of his remarks that may be published in propaganda about a lottery have associated with them a record of how he voted on the legislation in the House?

The Hon. C. D. HUTCHENS: I am not clear what the honourable member's final question meant. However, the Labor Party has no policy on lotteries and takes no part whatever in a referendum. I have seen the paper referred to and, as to its being political, I notice that it also referred to the Hon. Sir Thomas Playford. Therefore, I do not think it is Party-political. I shall not comment on whether a lottery is opposed to Socialism, except to say that that is not my comment.

Mr. FREEBAIRN: The circular quoted by the member for Gouger also states:

Would an S.A. lottery stop money going to interstate lotteries? If lotteries became legal in South Australia interstate lotteries would be able to advertise in South Australia. There would be greater competition from interstate lotteries with their greater prize money. It is likely more money would flow out of the State than would flow in or that is going out at present.

As interstate lottery advertising seems to be one of the key arguments being used by the "No Lottery" campaign proponents, and because of its vital concern to South Australia, will the Premier get a report from the Crown Law Department on whether this is the true legal position?

The Hon. FRANK WALSH: There is an element of doubt in my mind whether this needs a legal opinion. This has no bearing on the Bill considered in the House. As a result of a conference, both Houses agreed that, in the event of a referendum favouring lotteries, this Government would be responsible for setting them up. If my colleague the Attorney-General considers it necessary to obtain a legal opinion, that will be done.

YATALA VALE WATER SUPPLY.

Mrs. BYRNE: Has the Minister of Works a reply to the question I recently asked regarding a water supply for Yatala Vale?

The Hon. C. D. HUTCHENS: Following the acceptance by the residents concerned of the rating proposals for this main, I have given approval for £1,900 to meet the cost of laying the 2,100ft. of 4in. pipes involved. The Director and Engineer-in-Chief of the Engineering and Water Supply Department reports that the necessary agreement forms have been sent to all the petitioners and, when the signed agreements have been returned to the department, an order will be issued for the work to be carried out. It is hoped that mainlaying can then commence about three weeks after all the guarantees are returned, and the work should take a further three weeks to complete.

LEARN-TO-SWIM CAMPAIGN.

Mr. COUMBE: Has the Minister of Education seen an article appearing in yesterday's press deploring the fact that the learn-to-swim campaign may suffer because of the lack of swimming pools, particularly in the metropolitan area, and drawing attention to the fact that the Gilberton Swimming Club (in my district) is no longer being used by the Education Department in relation to this campaign? In view of the fact that this apparent shortage exists and that the negotiations for the proposed swimming pool in the north park lands seem to have become bogged down, will the Minister see whether school-children could be taught to swim by means of the campaign in the Gilberton pool on the Torrens River?

The Hon. R. R. LOVEDAY: Having noticed the publicity regarding this pool, I intended to inquire to ascertain whether the pool could be used. I shall be pleased to do that.

MOTOR VEHICLE INDUSTRY.

Mr. HUGHES: A few weeks ago I asked the Premier a question concerning the amalgamation of the motor vehicle manufacturing

firms of the Rootes Group and Chrysler Australia Limited, and whether it would be possible to establish a section of that industry at Wallaroo. I was interested to read the following in the *Advertiser* a few days ago:

Plan for Commer Trucks: The Chrysler Australia Limited Finsbury plant is expected to take over production of the Rootes Group's heavy Commer trucks next month. The General Manager, Truck and Diversified Products Division of Chrysler (Mr. R. A. Perkins) announced this at a special function at the plant yesterday. Final approval for the merger plan had to come from the shareholders of the two companies, he said. If they agreed, it was planned to begin production of Commer heavy trucks, of two tons and over, at the rate of one or two vehicles a day. It was hoped to achieve a production rate of 23 to 25 vehicles a day in 12 months, which would mean that all production of Commer heavy trucks in Australian would be centred in Adelaide.

The latest information made available to the House by the Premier was that Mr. Brown at the time was visiting Detroit and that on his return the Premier would again refer to him the possibility of extending operations to Wallaroo. As I understand that Mr. Brown has returned, has the Premier yet had an opportunity to discuss this matter further with him?

The Hon. FRANK WALSH: As I ascertained only as late as yesterday that Mr. Brown had returned, I have not yet had an opportunity to discuss any further matters with him. However, I shall endeavour to communicate with him soon.

BULK HANDLING.

Mr. FERGUSON: The committee set up to inquire into bulk handling at terminal ports has completed taking evidence at the centres suggested in a previous question to the Minister of Agriculture. I have been informed that great interest was shown at these centres, and that many people attended and gave evidence. I am particularly interested in the facilities that were to have been established at Giles Point. In relation to this, the committee took evidence at Yorketown, and I believe about 170 people listened to or presented evidence to the committee there. I understand that the committee complimented those who gave evidence on the way it had been presented. As this matter is of great importance not only to my district but also to other districts concerned, will the Minister say when the committee's report will be presented to Parliament?

The Hon. G. A. BYWATERS: I have read accounts in various newspapers of the interest shown at the three centres where meetings were held and where evidence was presented to the committee. I noticed that the meeting referred to by the honourable member was well attended. I think all of this proves the wisdom of the committee in going to these three centres. I am sure that the people who attended the meetings must have been pleased that the committee was prepared to take evidence at these places. I am not sure whether the time has elapsed for the submitting of further evidence, either oral or written, in Adelaide, but I will ascertain the true position and inform the honourable member.

PORT RIVER.

Mr. RYAN: Yesterday, several of my constituents complained to me bitterly about the terrific odour coming from the upper reaches of the Port River, south-west of the new causeway. They believe the odour is caused by the pumping station at Port Adelaide pumping effluent into the upper reaches and the sluice-gates of the new causeway not being opened sufficiently for the rise and fall of the tide to take effluent down the river and so avoid the odour emanating from the part of the river to which I have referred. As this question also affects the district of the member for Semaphore (he has received complaints from constituents in his district), will the Minister of Marine have it investigated in an effort to obviate the concern felt by residents in the area?

The Hon. C. D. HUTCHENS: I will have the matter investigated. However, I should like to say that the rumours about the discharge of effluent from the treatment works are unfounded. The sluice-gates, which have only a one-way operation, were installed for the purpose of keeping the upper reaches dry so that this area may be reclaimed at some future date. As the area dries out, the timbers there are dying and it will be easy to clear. Nevertheless, I will have the matter investigated, obtain a report, and inform the honourable member when it is to hand.

HASLAM JETTY.

Mr. BOCKELBERG: Has the Minister of Marine a reply to my recent question regarding Haslam jetty?

The Hon. C. D. HUTCHENS: Following the honourable member's question I obtained a fairly lengthy report from the General Manager of the Harbors Board (Mr. Sainsbury). In part it states:

In April, 1964, when considering the question of spending £33,500 for repair of the jetties at Denial Bay and Haslam in the light of the fact that the commercial traffic had dwindled to insignificant proportions, the board decided to advise the Minister of Marine of its intention to close both ports to commercial shipping. The suggestion made was that the structures could either be removed or maintained at promenade standard until such time as the cost of repairs for that purpose became excessive or alternatively be offered on lease to the district councils concerned. The Minister replied that local residents usually expressed strong disapproval at the loss of such facilities and asked that the board inform the district councils and the honourable member of the reasons for its proposed action and concurrently offer to lease the jetties to the councils. The councils were so informed in June, 1964, when the general conditions for a lease were set down. The information was also conveyed to the honourable member.

I think I have read enough to show the position with regard to the 70-odd jetties around the coastline of South Australia. We appreciate the fact that residents in the area want to retain these jetties, if possible, as promenades or for tourist purposes. However, the function of the Harbors Board is to provide not tourist attractions or promenades but jetties for the use of commercial shipping. As commercial shipping has ceased to operate on both jetties, the Harbors Board must now look at the economics of the matter. It is prepared to negotiate with the councils to take over the jetties on the conditions previously laid down.

MOUNT GAMBIER SEWERAGE.

Mr. BURDON: Has the Minister of Works a reply to my question of October 21 concerning sewer connections and regulations at Mount Gambier?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has supplied me with the following information concerning alterations which may be required in existing houses at Mount Gambier before permission is given for the houses to be connected to the sewerage system:

In country towns it is the practice of this department to consider the sewerage efficiency of present installations as distinct from forcing immediate compliance with all of the provisions of the Sewerage Act. Where septic tank installations have been in use for some time and modern plumbing has been installed alterations to the existing plumbing installations are being kept to a minimum. Floors in toilets, bathrooms and laundries are required to be graded and drained and the cheapest material for this purpose is the use of a cement floor. However, this department has accepted wooden flooring properly graded and drained, provided it is sealed with a material approved by the department for the purpose. There are at present three materials for the sealing of wooden floors which have been approved by this department as follows:

(*a*) Fleximur from the Dunlop Rubber Company.

(*b*) Oly-Lay from the Olympic Rubber Company.

(*c*) Resinflex from Peak Construction Company.

The Sewer Inspector at Mount Gambier will advise any householders on the matter and they may be assured that their expenses will be kept to a minimum, depending upon the necessity to ensure that the system will operate satisfactorily.

WATERVALE WATER SCHEME.

Mr. FREEBAIRN: Last week I asked the Minister of Works whether he would be good enough to ascertain how far investigations into a water supply for Watervale had reached. Has he any information on this matter?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has informed me that further pump testing and investigation with the salinity probe by the Mines Department has shown that the salinity of the water in the bore on section 331, hundred of Upper Wakefield, fluctuates considerably. It cannot, however, be maintained below 1,375 parts per million. The quality of this water is too high in salinity for use as a township supply. This is the third bore drilled and tested with a view to providing an underground supply for Watervale and each has failed to yield suitable water. As efforts to locate suitable underground water for a township supply have not been successful, the department will now re-examine the earlier proposals to supply Watervale by the laying of a pipeline from either Clare or Auburn.

Mr FREEBAIRN: In his reply, the Minister indicated that the third bore drilled in the Watervale district had turned out to be a failure. With respect, it is not the third bore that has been punched but the third site that has been investigated. The first bore, which I think was punched more than two years ago on a site close to the township, turned out to be far too saline for use. Some months later another bore was punched at Hughes Park, about two miles from the town, and, although I believe the quality was reasonable, the output of the bore in gallons a minute was too low for a satisfactory township supply. The subsequent site investigated was several miles south-west of the town and only about three miles, I believe, from where the Auburn trunk main passes through. This matter has a long history. From memory, it was the first matter I took up as a member after being elected

in March, 1962. In April of that year, at Watervale, I chaired a public meeting of prospective ratepayers, and a large majority at that meeting supported the scheme but requested, as the first choice, a service from a reservoir and, as the second choice, a service from a bore. The then Minister ruled that the bore should be investigated first and, of course, it is no fault of his or of the department that this project has been so delayed. However, as this matter has now been under way for more than three years, and as many of the townspeople at Watervale are retired folk and cannot afford to dig private bores, will the Minister give this matter proper priority?

The Hon. C. D. HUTCHENS: I was interested in the honourable member's explanation. I am confident that my predecessor did all he could, with the assistance of the Mines Department and the Engineering and Water Supply Department, to obtain a satisfactory water supply, and I consider that, following his efforts and those since I have been in office, the conclusion has now been arrived at that there is no satisfactory underground water supply for the township of Watervale. As has been indicated, we will take all possible steps to give the town a service. I will endeavour to ascertain when the work associated with such a service can be commenced and when it is likely to be completed. However, I can say that it is now fairly definite that we will have a scheme to supply Watervale from either Clare or Auburn.

LAKE ALBERT.

Mr. NANKIVELL: On November 2 I directed a question to the Minister of Works relating to the control of the locks on the barrages at Tauwitchere and Goolwa and their effect on the levels in Lake Albert. Since then, the member for Stirling has passed on to me information from the Chairman of the Woods Point Irrigation Trust that levels in the river were also lower at the same time as the complaint was lodged that the lake levels had fallen. I requested the Minister to obtain a full report on this matter. Has he a report for the House?

The Hon. C. D. HUTCHENS: The honourable member not only asked the question but supplied me with copies of correspondence which expresses concern about the lake levels, and I will therefore read in full the report that I have on the matter. The behaviour of the water levels in Lake Alexandrina and Lake Albert over the last three weeks has in no way been due to the operation of the barrages at the Murray mouth. No water has been released through the barrages since October 14, when the 75 gates which had been open were closed due to the fall off of water entering the lakes from the river proper. At this stage, the average of the levels at the Goolwa barrage and Tauwitchere barrage was at the designed water level. Gates were open earlier in the month as there was a flow of between 6,000 and 7,000 cusecs entering the lakes. The amount of water required for irrigation around the lakes and to compensate for evaporation in October is less than 2,000 cusecs, and it is obvious that the excess water had to be passed through the barrages. The causeways across Ewe Island and Tauwitchere Island, which aggregate a distance of a mile and a half, were constructed at the designed pool level, that is 109.50, and it is not possible to keep the lake levels much above this figure without a continual flow of water across the two islands.

The variation in the level in Lake Alexandrina, due to wind set up, is easily seen by last Thursday's readings when the level at Tauwitchere barrage was one foot above designed pool and the level at Goolwa was six inches above designed pool. On Monday, November 1, the level at Goolwa was one foot above pool and the water was actually going over the tops of the stop logs. On Monday, November 8, with only a slight north-westerly wind, the level at Tauwitchere was 109.75 and at Goolwa 109.40. At the other end of Lake Alexandrina the maximum level at Jervois for the week ending October 16 was 110.15 and the lowest level 109.70, and for the week ending October 23 the highest level with a south wind was 110.20 and with a north wind the lowest level was 109.80. On Monday, November 1, when the level at Goolwa was very high, the level at Jervois dropped to 109.50 due to the strong wind but recovered and was 109.75 on the Tuesday and 109.90 on Wednesday, November 3. It is for this reason that the water levels at Woods Point are low, and as most of the irrigators water by means of siphons over the flood bank, a small variation in river level will make an appreciable difference in their time of watering. On Monday, November 8 the level at Jervois was 109.75, that is, the same as at Tauwitchere barrage, and 3in. above designed pool.

I should add that the Engineer for Irrigation and Drainage (Mr. Ligertwood) points out that certain information supplied by Mr. Olson was incorrect. I think that this was due to a

misunderstanding of what was said in a telephone conversation.

HUGHES ESTATE.

Mr. BROOMHILL: Last week I requested the Premier, as Minister of Housing, to ask the Housing Trust for a report on the building programme the trust had planned for the Hughes Estate. Has the Premier that report?

The Hon. FRANK WALSH: Ninety houses are being built by the Housing Trust at the southern end of the land known as Hughes Estate. The trust has land there sufficient for about another 300 houses, but building cannot commence until sewerage is available (for which purpose large trunk mains and pumping stations are required) and until a large stormwater drain is constructed. The information from the Engineering and Water Supply Department is to the effect that it will be another two years before sewer construction will permit the trust to commence the building of the 300 houses mentioned. It is hoped that the stormwater drain will be completed within that time. The trust is anxious to proceed with these houses as soon as possible, but it must wait upon the construction of the sewers and the drain.

ROSE PARK SCHOOL.

Mrs. STEELE: Last week I addressed a question to the Minister of Education concerning woodwork classes at the Rose Park Primary School. Has the Minister a reply?

The Hon. R. R. LOVEDAY: It is the policy of the Education Department to reduce progressively and eventually eliminate the teaching of woodwork in primary schools, but it is not intended to discontinue the teaching of woodwork to grade 7 boys at Rose Park in 1966. Most boys now remain at secondary school for several years and therefore take woodwork. It has been shown that boys coming fresh to the study of woodwork at the beginning of the secondary course learn the subject faster and more effectively and show more interest than others who have done one or two years' woodwork in primary school.

FIREWORKS.

Mr. LANGLEY: Recently, I, along with other members, have brought to the notice of the House the question of serious fires caused by fireworks both before and after Guy Fawkes' night. As a fire ban was imposed in the country during this day, and the Minister of Agriculture made a statement in the press expressing concern at the damage done, does the Premier intend to bring down a report to Parliament after taking the matter to Cabinet?

The Hon. FRANK WALSH: The matter of fireworks and Guy Fawkes' day, including the serious injuries sustained by many people and the fire damage, has caused the Government and Cabinet much concern. The matter is being considered by Cabinet, but I cannot indicate the final outcome at this stage. I assure the honourable member that we are concerned with the number of incidents that occurred last Friday.

SOUTH-EAST ELECTRICITY.

Mr. CORCORAN: I understand that the Electricity Trust's extension programme in the coming year includes the provision of a single wire earth return service to Carpenters Rocks. Recently, a factory for the processing of crayfish was established there, and it has installed two 13 h.p. motors. I understand that the s.w.e.r. service is only capable of servicing a 10 h.p. electric motor, so this industry could not avail itself of the electricity supply if it were available. This resort has developed rapidly and there are now about 120 shacks of which about 50 per cent are occupied by permanent residents. The establishment of this industry should lead to more people living in this area. The road will be sealed completely during the coming summer, and with the completion of this road and the supply of electricity, it is reasonable to assume that further development will occur. Will the Minister of Works ascertain from the trust whether it is feasible and practicable to extend the 3-phase service another 10 or 11 miles from Kongorong, in order to ensure that the factory can avail itself of the supply? If it is not feasible and practicable, will he inquire of the trust whether modifications can be made to allow the factory to use the supply when it is available from the s.w.e.r. service?

The Hon. C. D. HUTCHENS: I am greatly impressed by the case stated by the honourable member, and assure him that I shall consult with the trust in a sincere endeavour to see that a satisfactory service is supplied.

LOTTERY FINANCE.

Mr. RODDA: Can the Premier say what Government finance will be necessary to establish a State lottery?

The Hon. FRANK WALSH: I do not like to cross bridges until I reach them. If and when the referendum is carried it will be the responsibility of the Government, on the

instruction of the House, to set up this proposition.

Mr. Rodda: I think it will be carried.

The Hon. FRANK WALSH: I am not permitted to answer an interjection. As I am in the middle of the road on this issue, and have intimated to the House that I do not intend to take part either for or against, this question is a little difficult. I do not intend to try to solve a problem until it arises. If and when the referendum is carried, it will be time then to find the answers.

WESTBOURNE PARK WATER SUPPLY.

Mr. MILLHOUSE: Has the Minister of Works a reply to my recent question concerning the water pressure in Norseman Avenue, Westbourne Park?

The Hon. C. D. HUTCHENS: Following complaints of poor water pressure last summer in Norseman Avenue, Westbourne Park, the Engineering and Water Supply Department carried out a survey which showed the 3in. main in the street to be badly corroded. The main was accordingly cleaned and, as a result, water pressures improved. However, following the honourable member's recent question, a further investigation has been undertaken and pressure readings indicate that the condition of the main has deteriorated. To remedy the situation it is now intended to replace and enlarge the old 3in. main with 4in. pipes. The work involves the laying of 1,630ft. of new 4in. main at an estimated cost of £2,100, and I am pleased to say that I have given approval for this expenditure. The department will make every effort to complete this work at an early date.

ASSEMBLY CHAMBER.

Mr. LAWN: Has the Minister of Works a reply to the question I asked last week concerning temperatures in this Chamber?

The Hon. C. D. HUTCHENS: The Director, Public Buildings Department, reports that last week an automatic damper on the air-conditioning system in the Assembly Chamber was found to be faulty. This was corrected last Thursday; the system is reported to be now functioning satisfactorily, and I understand that the honourable member has been informed accordingly.

CEDUNA COURTHOUSE.

Mr. BOCKELBERG: Has the Minister of Works a reply to my question of last week regarding a courthouse at Ceduna?

The Hon. C. D. HUTCHENS: The Director, Public Buildings Department, states that sketch plans have been prepared for the new police station, courthouse and office block at Ceduna. Commencement of the work will depend upon the availability of funds: there are not sufficient funds available to allow a start to be made this financial year.

COUNCIL ALLOCATIONS.

Mr. NANKIVELL: I wish to thank the Minister of Education, representing the Minister of Roads, for the great detail that I have finally received in reply to my question about allocations to councils. Will the Minister now give this information to the House?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, has supplied the following table which shows the complete allocation to councils for grants and specific works for 1964-65 and grants allocated to date for 1965-66. The complete allocation of funds to councils for specific works during 1965-66 cannot be supplied at present because the amounts are made available to councils as and when the council is in a position to commence the work. As the figures are rather lengthy, I ask leave of the House to have them incorporated in *Hansard* without my reading them.

Leave granted.

SPLIT-UP OF FUNDS BETWEEN COUNCILS IN THE EASTERN AND SOUTH-EASTERN DISTRICTS FOR 1964-65 AND 1965-66.

Eastern District.

	Grants.		Specific Works
	1964-65.	1965-66.	1964-65.
	£	£	£
Corporation of—			
Murray Bridge	6,896	5,358	677
Renmark	13,866	396	—
District Council of—			
Barmera	12,246	323	—
Berri	7,157	595	648
Brown's Well	14,976	11,967	988
Coonalpyn Downs	17,116	13,655	11,504
East Murray	12,490	12,966	—
Eudunda	8,761	6,609	5,506
Karoonda	16,988	16,533	—
Lameroo	23,064	22,668	16,998
Loxton	18,615	20,501	33,813
Mannum	16,316	10,041	35,856
Marne	16,669	15,346	24,007
Meningie	12,138	13,552	13,998
Mobilong	15,502	17,375	53,696
Morgan	9,650	9,870	—
Paringa	9,263	8,298	687
Peake	18,957	16,172	55
Pinnaroo	15,949	17,095	80,967
Sedan	16,764	15,090	708
Truro	4,376	6,343	8,506
Waikerie	19,315	20,640	23,887
Balance unallocated	—	34,150	—
	£307,074	£295,543	£312,501

South-Eastern District.

	Grants. 1964-65. £	Grants. 1965-66. £	Specific Works 1964-65. £
Corporation of—			
Mt. Gambier .	7,188	3,614	235
Naracoorte ..	2,484	3,265	15,468
District council of—			
Beachport . ..	15,990	13,022	40,974
Lacepede . ..	18,521	20,997	10,367
Lucindale . ..	20,781	6,886	14,303
Millicent . ..	22,129	17,428	21,500
Mt. Gambier .	19,775	7,550	13,741
Naracoorte ..	14,318	12,515	51,507
Penola	13,066	19,447	35,117
Pt. MacDonnell	4,022	5,910	27,688
Robe	18,716	21,225	2,955
Tantanoola ..	5,628	10,965	34,130
Tatiara	15,627	16,323	63,000
Balance unallocated	—	39,400	—
	£178,245	£198,547	£330,985

BRAEVIEW WATER SUPPLY.

Mr. SHANNON: While I was attending a meeting of the Public Works Committee this morning the member for Alexandra took a message for me from a constituent of mine. From the information given me by my colleague, I understand that the residents of a new subdivision (Braeview) of about 50 or 60 houses are concerned about water reticulation. I believe David Barton subdivided the area. I am informed that the subdivider will collaborate with the department on reticulation if the department makes water available. At present the householders in the area are carting their domestic water. Most of them have septic tanks requiring water. Braeview should have developed at least to the stage where a water supply would be an economic proposition especially if the subdivider is willing to enter into an agreement. Will the Minister of Works investigate this matter?

The Hon. C. D. HUTCHENS: I shall be happy to have the honourable member's request investigated with the hope that something may be done.

METROPOLITAN DRAINAGE.

Mr. COUMBE: No doubt the Minister of Works recalls that earlier this year he and I attended a meeting in the Prospect Town Hall to consider a joint drainage proposal in respect of the cities of Prospect and Enfield and the town of Hindmarsh. It was then stated that this proposal (to come before the Government and to receive support) would probably have to be referred to the House by way of a Bill and then to the Public Works Committee. It was also suggested that a metropolitan drainage committee might be set up in the meantime. This question concerns the Minister not only as a member who attended that meeting but also as a Minister who has some administrative responsibility for the Public Works Committee. The councils concerned are now anxious to proceed with this urgent work but are concerned with the delay facing them. Will the Minister say whether the procedure by way of a Bill and by reference to the Public Works Committee should be followed in this case or whether there is any likelihood of the suggested metropolitan drainage committee being set up, as such a committee might short-circuit the rather drawn-out procedure foreshadowed? Which method would be the most likely to achieve the necessary result expeditiously? If an early reply could be given I should appreciate it greatly.

The Hon. C. D. HUTCHENS: True, I attended a meeting with the honourable member and with the member for Enfield. We attended as members representing the area, the councils of which are greatly concerned about the proposed drainage and would like to see something done about it promptly. However, I believe this matter has now been taken out of my hands and is with the Minister of Local Government. I will refer it to him with a view to obtaining an early reply for the honourable member because, like him and like the councils concerned, I should like to see something done as quickly as possible.

ROAD SIGNS.

Mr. RODDA: My question concerns road safety and it applies specifically to the outlet on to the main road at the Struan Farm school. The policy of the Highways Department is to have direct entry on to roads. The entry to the highway from the homestead on the Struan Farm school is situated 150yds. from the top of a fairly steep crest; and heavy vehicles on the Mount Gambier road travel over this hill at ridiculous speeds to get over the other hill. Also, a large bus is used to carry the boys between Struan and Naracoorte, and when that bus enters the main road it has to encroach virtually right across the road to make its turn to go towards the town. I consider that there is need for a sign to warn oncoming traffic of this hazard. The other part of my question relates to the new road from the Naracoorte road to The Caves. What was once a peaceful road is now a busy highway, and a similar problem arises there. Graziers are having difficulty taking stock on to the road because of the speed (up

to 70 m.p.h.) at which cars travel on the section up to the crest. Will the Minister of Education take this matter up with his colleague, the Minister of Roads, with a view to erecting warning signs on these two crests?

The Hon. R. R. LOVEDAY: I shall be pleased to do that.

WHEAT.

The Hon. G. G. PEARSON: Has the Minister of Agriculture a reply to a question I asked him on October 21 about the supply of new varieties of rust-resistant seed wheat?

The Hon. G. A. BYWATERS: Yes. Of the varieties recommended for sowing in South Australia, Gamenya and Raven resisted rust attack best, where the disease occurred, during the 1964-65 season. Both varieties will be harvested by growers of seed wheat under the Agriculture Department's registered seed wheat scheme this year. Eleven growers situated at Pygery, Cleve, Warrachie, Cummins, Loxton, Whyte Yarcowie, Saddleworth, Blyth, Milendella, Murray Bridge and Goolwa, will harvest a total of 500 acres of Gamenya. Five growers situated at Cleve, Georgetown, Saddleworth, Blyth and Farrell Flat, will harvest a total of 300 acres of Raven. During the 1964-65 season, 165 acres of Gamenya was harvested by registered growers for distribution, and over 9,000 acres of the variety was harvested in the State. Raven was distributed by one seed wheat grower from the 1964-65 harvest. In addition to the abovementioned sources of seed supply, Roseworthy College and Minnipa Research Centre will have some seed of these varieties available. Two other varieties which resisted rust in the 1964-65 season were Festiguay and Mendos. These are still under trial and at this stage are not included in the recommended varieties for the State.

SCIENTOLOGY.

Mr. NANKIVELL: Statements have recently appeared in the press concerning the activities of a body practising what is known as scientology, particularly in Victoria. I understand that legislation has been introduced in the Victorian Parliament to ban this organization's activities. Has the Attorney-General had any complaints about the activities of this organization in this State, and, if he has, does he intend to introduce similar legislation?

The Hon. D. A. DUNSTAN: I did receive from the Attorney-General in Victoria a copy of the report on scientology that was prepared for that Parliament, and I have read this. I am informed that a Bill to register psychologists has been introduced in the Victorian Parliament in the form recommended by the commissioner to that Parliament. I am also informed by the Attorney-General of New South Wales that he has directed the Registrar of Companies in that State not to register any company or business name containing the word "scientology". I have had complaints in South Australia concerning the activities of this organization, and I have also had letters in support of it. Up to the present, Cabinet has not made a decision about the introduction of legislation here. We will examine the Bill introduced in Victoria. If any legislation is to be introduced here, then, given the number of Bills we still have to introduce this year, I should not think it likely that a final decision would be made on the matter or any Bill introduced this year.

PARAFIELD GARDENS SCHOOL.

Mr. HALL: Will the Minister of Education be good enough to give me an answer to my recent query concerning secondary education at Parafield Gardens?

The Hon. R. R. LOVEDAY: Steps have been taken to ensure that a site will be acquired for a high school in the Parafield Gardens area. A site for a technical high school has not yet been chosen, but the Director of the Public Buildings Department has been requested to make investigations and to recommend a suitable area.

RATE RECOVERY.

Mr. NANKIVELL: Has the Minister of Lands a reply to my question of October 21 about the recovery of rates from bankrupt estates where Crown land property had reverted to the Crown?

The Hon. G. A. BYWATERS: This question was originally directed to the Minister of Education representing the Minister of Local Government, but as it included a land query he has asked me to reply to it. Sections in the hundred of Jeffries were held by lessees as tenants in common under a developed lands perpetual lease, which provided that the lessees were liable for all rates and taxes levied on the land. The lease was cancelled and determined on October 2, 1964, at which time the sections then became Crown lands and ceased to be ratable.

The Minister of Local Government has advised me on certain aspects of this question, and has pointed out that section 704a of the Local Government Act provides that if any ratable property ceases to be ratable, all charges on the ratable property shall cease to

be charges on the property and shall not be recoverable from any person who subsequently becomes the owner or occupier. Consequently, the council could not recover any unpaid rates from a subsequent occupier of sections 34 and 35. In normal cases where rates are unpaid, councils have power to sell the land if rates are unpaid for three years. As sections 34 and 35 are now Crown lands, this power is not available to the council. This position, of course, cannot be changed.

It is not correct to say that the council could not claim on the bankrupt estate for the unpaid rates. In this case, the council could have claimed on the estate as an unsecured creditor. Under section 700 of the Local Government Act, where any charge available to the council over any property in respect of which any sums are due to the council is insufficient or inadequate to secure payment of the money, then the council, by resolution, may rank as an unsecured creditor. If the charge is sufficient the council cannot claim as an unsecured creditor. In the case in question, the property having ceased to be ratable, the council would not be able thereby to secure payment and could and should prove against the estate as an unsecured creditor. It is considered that the provisions of the Act are sufficient to cover the circumstances quoted and that an amendment to the Act is not necessary.

LYELL McEWIN HOSPITAL.

Mr. HALL: Has the Attorney-General a reply from the Chief Secretary to my recent question about a resident medical officer at the Lyell McEwin Hospital?

The Hon. D. A. DUNSTAN: The reply of the Chief Secretary is as follows:

The Lyell McEwin Hospital is not a Government hospital. The arrangements are that capital works are carried out by the South Australian Housing Trust and paid for from Chief Secretary's revenue funds. Purchases of equipment are handled usually by the Public Buildings Department and financed similarly. Hospital services are financed by the hospital with local government help: a Government maintenance subsidy is not paid. On June 25, 1965, the Chief Secretary received a deputation comprising representatives of local government in areas adjacent to the Lyell McEwin Hospital, and told them that the matter of resident medical staff and their accommodation could be proceeded with when Government money was available for construction work and the hospital was ready to finance a resident medical staff. The situation has not changed since then, and the Chief Secretary suggests that the hospital authorities should submit in April or May next year any proposal for the provision of a casualty section. The work could then be considered in time for the 1966-67 Revenue Expenditure Estimates. The provision of casualty facilities is of course related to long-term plans to extend hospital services in the northern districts. This is a complex matter and details have not yet been finalized. The expenditure on casualty facilities at the Lyell McEwin Hospital would need, therefore, to be on a modest scale initially.

PUBLIC BUILDINGS DEPARTMENT.

The Hon. G. G. PEARSON: Has the Minister of Works a reply to my recent question about the establishment of regional offices by the Public Buildings Department?

The Hon. C. D. HUTCHENS: The honourable members knows that at present the Public Buildings Department has depots in several country areas and that they operate under the control of the department from Adelaide. It is planned to decentralize and re-organize the department and to set up regional offices in various country areas throughout the State. Under the new system, a regional officer will be responsible for the maintenance of all public buildings in the prescribed area, and will have at his disposal a small technical staff to carry out repairs. He will use local labour and local contractors as much as possible. Some time before the Budget session he will submit a budgetary estimate of his work for the coming financial year. The plan of the organization of his work division involves the decentralization of activities and the delegation of authority. These measures must be accompanied by adequate means of control, and this will be achieved by the establishment of an inspection and maintenance standard and the use of accepted budgetary control and technique.

SALISBURY DRAINAGE.

Mr. HALL: Has the Minister of Education a reply from his colleague concerning Salisbury drainage?

The Hon. R. R. LOVEDAY: My colleague the Minister of Local Government reports that questions on drainage have been asked recently by Mr. Langley, M.P. and Mr. Coumbe, M.P. The reply in both cases was that the question of setting up a metropolitan drainage board has been referred to Cabinet and, as it would necessitate legislative action, Cabinet is now considering the whole matter. The question of drainage of the Salisbury area is a part of the whole major problem for the metropolitan and near-metropolitan area now being considered by Cabinet.

PRIVATE PARKING AREAS BILL.

Returned from the Legislative Council without amendment.

ELECTRICITY (COUNTRY AREAS) SUBSIDY ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

CAPITAL AND CORPORAL PUNISHMENT ABOLITION BILL.

Adjourned debate on second reading.

(Continued from July 1. Page 665.)

The Hon. G. G. PEARSON (Flinders): In the unavoidable absence of the Leader on official business, I shall attempt to address myself to the Bill. This matter has previously been debated in the House, but the Bill is of rather more far-reaching consequence than that of subject matters of previous measures and, if passed, it will have an impact on a number of laws. From memory, I do not think we have previously had a Bill before the House to abolish capital or corporal punishment, but motions to that effect. However, on this occasion the Attorney-General has presented a Bill which, as he said in his opening remarks, conforms to one of the important planks in the Australian Labor Party's platform, and, in keeping with the principles on which that Party rests, the Attorney-General has introduced the legislation into the House at an early stage. The Attorney-General also stated in discussing other measures before the House that this was part of his Party's programme of social legislation, to which he has devoted himself. Although I have no quarrel with that principle, I possibly disagree with its detail. The crux of the Bill is contained in clause 2, which states:

Notwithstanding any provision in any Act or law, after the commencement of this Act no sentence of death shall be passed pronounced or imposed on or recorded against, and the punishment of death shall not be inflicted upon, any person convicted of any offence and no judgment, order or sentence for the whipping of any person shall be passed pronounced imposed recorded or carried out.

The other clauses are ancillary to the decision reached on the principle of this clause. In his second reading explanation the Attorney-General relied largely on matters contained in similar measures previously before the House, except that he had the benefit of knowing about certain occurrences in the United Kingdom.

The Hon. D. A. Dunstan: They abolished the death penalty today!

The Hon. G. G. PEARSON: Yes, and they have been a long time in making up their minds about it. It is interesting to note that the issue in the United Kingdom arose not because of Government action on an official level but because of action taken by a private member in the House of Commons which, in turn, led to the matter's being considered in that House as well as in the House of Lords. After a protracted period, during which much thought and research had been put into the matter (and possibly, I think, because of the importunity of the protagonists of abolition), the matter has been decided not because of the better judgment of the parties concerned but possibly because those who continued to believe that capital punishment played an important part in the prevention of crime were somewhat worn down by the continual representations made publicly and in Parliament, as well as on platforms throughout the country by those people opposed to it (in many cases, fanatically opposed to it).

I have no quarrel with the opposition to capital punishment; nor do I quarrel with any honourable member of this place, or any person outside it, who believes that capital punishment should be abolished. However, my views have not changed over the years, and the arguments advanced (even with the aid of reports from Royal Commissions and eminent gentlemen in other parts of the world) have not influenced me on the matter. I previously said that this is not a matter for sentiment; it is not a matter for vitriolic condemnation of the criminal or of any other party; it is not a question of social retribution for crimes committed; it is not a question of taking an eye for an eye or a tooth for a tooth. I am not one of those people to whom the Attorney-General referred in his second reading explanation as being wedded to the literal interpretation of the words contained in the Book of Leviticus. I have previously said (and I say it again) that the laws of the Old Testament were simple and straightforward statements of a pattern of human behaviour affecting simple people who understood only the somewhat primitive aspects of human life. I believe that with the passage of time and with the human and social development of peoples from the early days onwards there have been many interpretations of law and many refinements of the original Ten Commandments that were given to the first children of Israel. These interpretations have thrown new enlightenment on human behaviour and the literal interpretation of the

Old Testament, in this case, does not stand up well under close analysis. However, many people still stand firmly on the literal interpretation of those words and, if that is their view, I find no reason to quarrel with it, although I do not agree with it.

I believe this matter should be considered entirely within the ambit of the scope it covers and that is, when it is all boiled down, does the presence or absence of capital punishment affect the degree of capital offences? In the last analysis I believe any person is most concerned with the preservation of his own life. It is the ultimate consideration and a first law of human behaviour that a person will fight for his life when all other things relevant to it have disappeared beyond recall. It is axiomatic that a person may be deprived of everything he possesses by a sudden disaster such as a fire, earthquake, storm at sea or the sinking of a ship on which he might be a passenger, yet when he has lost his possessions, his property, his money or whatever the case may be, he still desperately clings to the last possible hope of retaining his life, and although penniless, alone and helpless, he is satisfied if he can preserve his life under those circumstances. I cannot escape the knowledge that a person can and most likely would forfeit his own life if he wilfully and maliciously took the life of another if there were no element of consideration entering into the crime at all (and I submit in many cases there is this element). I believe he must have some deterrent in those circumstances from taking the action that he had considered taking.

In the environment of social behaviour in which we all live there is a real deterrent in the retention of capital punishment. We are all creatures of our environment and we all have a desire to be decently regarded by our contemporaries. I believe it is important to every human being to feel that he has some standing in the community in which he lives and that he is regarded as being respectable by the people amongst whom he lives. Concerning the publication of evidence and of a person's name, for example, in evidence given before a court in a preliminary hearing (and this is a lively subject in this State at present), many people find this publication of their name the greatest form of punishment that can be meted out to them. There may be people to whom a £10 fine does not mean much but a great many people regard the loss of their reputation as a great loss. I have come to the conclusion that the position in which we find and rate ourselves amongst our contemporaries is of considerable moment to us. Therefore, I believe that the fear of being found out is possibly the greatest deterrent that exists at present and, indeed, that has existed for some generations past. The Attorney touched on this in his speech when he said:

> Indeed, the one conclusion that we can reach on examination of those exhaustive statistics is that what influences the murder rate is the respect for life within the community. It is the moral attitude of the community as a whole that determines the murder rate. In order to maintain that capital punishment is a uniquely effective deterrent, the supporters of it have to disregard the experience of other countries where abolition of capital punishment has taken place.

It is true that, if the general and moral environment of a community does not object to the commission of crimes of any and every sort, there is no incentive for the individual to refrain from committing them. This point can be shown in the simple statement sometimes used by teenagers: "Why can't I do this: everybody else does it?" There are certain things in the community that everybody else does not do, at least at this point of time. Just where this progress and broadmindedness in moral attitudes will lead us eventually I do not know but at least at the moment society rejects and recoils from its members doing certain things one of which, of course, is the taking of human life.

I believe that the retention of capital punishment for this greatest of all crimes is the most powerful deterrent of all, and that has never been disproved. This is the only ground on which we can debate the matter. I know that statistics can be produced to demonstrate one or another of the aspects of the question. Figures can be taken apart and reassembled to suggest that there is no risk of a higher murder rate if capital punishment is abolished. On the other hand, the same set of figures can be taken apart and reassembled to suggest the opposite. I believe that no actual proof can be produced either one way or the other in this matter. It is a matter of judgment, and the judgment is exercised by every serious-minded individual who has to deal with the question. My judgment, for what it is worth, is that it is most unwise to abolish what I believe to be the most definite deterrent that has yet been devised for this sort of crime.

It has been suggested that it is not within the province of the State to exercise the prerogative of life or death over the individual. On that

I join issue, too. The State has been accused of being a vengeful authority, of exacting the eye for the eye or the tooth for the tooth. Sir, we do have in every aspect of our criminal code a penalty for an offence, and the penalty varies from a fine of a few pounds or a few days' imprisonment up to the ultimate, and the ultimate on our Statute Book at present, until this measure is passed, at any rate, is the death penalty.

We have looked at this matter before and we have discovered that, after all is said and done, the death penalty is not one lightly arrived at by the court or lightly carried out by the Executive. We know (and very briefly I will repeat the procedure) that first the jury in the case has to be unanimous and the judge has to be most meticulous, when he instructs the jury on points of law and points of procedure, that he interprets to them the McNaghten Rules, which seem to appear in almost every case of this nature before the court and which I say, Mr. Speaker, are definitely weighted in favour of the accused in all cases. Nor do I object to that. I think it is the requirement of the prosecution to prove its case in a matter of this importance, and I do not object to every possible safeguard being provided for the accused to make sure that he is not wrongly condemned for a crime which he may not have committed or which perhaps he committed in circumstances of very serious mental stress or duress.

After all these safeguards have been exhausted, and after a unanimous return by the jury that the death sentence should be pronounced, the matter goes to the Executive Council for its consideration. I think that those who have been members of Executive Council and those who are presently members understand something of the responsibility that devolves on members of the Executive in this matter. It is their responsibility to examine every word of evidence tendered in the case. They have to read in full the evidence submitted to the court and sign to the effect that they have read it. I have often wondered why it was necessary to sign. It is a safeguard, of course, but I do not think any member of the Executive would venture to express his opinion whether or not the sentence should be carried out unless he had taken much trouble to inform himself fully on what was involved in the case.

The members of the Executive, having been supplied with the full transcript of the evidence and with any photographs that may have been tendered to the court in respect of it, knowing the circumstances surrounding it, and having the advantage of calling in, if they so desire, the trial judge to discuss with him the mental attitude or any other aspect of the prisoner's behaviour, then have to decide whether or not the sentence should be carried out. We must take into account the natural reluctance of any body of men, whether jurymen or members of the Executive, to carry out the death sentence on any person, however depraved or degenerate he may appear to have become, and this natural reluctance of one person or any group of persons to carry out the sentence on him is an element in favour of the accused. Although I do not suggest that the jury run away from its duty (and I certainly know that the Executive does not run away from its responsibilities in matters of this sort), yet by natural tendency members of the jury would be careful to see that justice was done and that the matter was not carried to an extreme unless they were satisfied that the judgment fitted the crime.

We have heard much over the years about the deterrent effect of a life imprisonment sentence. It has been suggested that incarceration for life is of much more moment and concern to the prisoner than the death sentence would be. I join issue on this point. As I have said, the preservation of human life is the first and last instinct of every human being. After all is said and done, prison life is not so inhospitable as perhaps it was. Our prison authorities (and quite rightly, I submit) have devoted their attention towards reformation of prisoners, and prison life is no longer the harsh convict conditions of 25 or 50 years ago. I suggest that life imprisonment is a much happier and better life for many a criminal than any life he has enjoyed out of prison. To that extent, therefore, although it means he is deprived of his freedom to visit the outside world, at least life is tolerable from day to day.

There are those people who find incarceration extremely onerous, and the urge to break out and see a bit of the outside world becomes overpowering. Although they are imprisoned for life, possibly for having committed a murder, they decide that, whatever the cost and consequence, they have to get out and look at life again, so they decide to take drastic action to get out, and get out they do in many cases. In getting out they probably commit one or two other murders or inflict grievous bodily harm on warders or other people. They may commit not only one murder but a couple, if necessary,

and in order to avoid apprehension when they are out they are probably prepared to shoot it out with any posse of police attempting to recapture them.

These people have nothing whatever to lose; in fact they have everything to gain. Every hour of freedom to them is something which, because of their long incarceration, they value above price. It does not matter if they commit 50 murders, for no further penalty can be imposed on them if this Bill becomes law. I point out that in some of the most desperate cases we have had (not in South Australia but in other States, notably Victoria) desperate gunmen serving life imprisonment have broken out, some of them two or three times, and in almost every case they have committed a crime of murder or violence in their attempt to get out and stay out. I believe that for people such as these there is only one penalty they really feel. If this Bill is passed, people such as these will be reinforced in their determination to snatch an hour or two, a day or two, or a week or two of freedom, whatever the cost.

Mr. McKee: Do you know of any case of a murderer who escaped?

The Hon. G. G. PEARSON: The honourable member should recall Squizzy Taylor. People who have committed one murder and have been imprisoned for life will take any action to secure their freedom. I am not so concerned at the application of the death penalty for the ordinary run-of-the-mill murderer who commits murder for the first time, as he probably did not intend to commit murder, but to abolish the death penalty removes from any criminal, however desperate or hardened or how many times he commits the crime, the threat of the death penalty. I think the punishment should fit the crime, and all our law and the penalties under it embody this principle. The minor crime has a minor penalty; the middle-bracket crime has a more severe penalty; and the ultimate in crime (killing with premeditation) deserves the ultimate in punishment. For those reasons I oppose the principle of removing, as clause 2 removes, from the Statute Book the provision that in certain circumstances the death penalty can be inflicted. Members can say that some crimes of killing which are committed almost spontaneously under provocation and in the heat of the moment, sometimes because of the intervention of emotional factors, may not justify the death penalty. I concede that.

Mr. Shannon: So do most juries.

The Hon. G. G. PEARSON: Exactly. Most juries have regard to the circumstances of the case, and I believe, from my experience, that Executive Council has great regard for them. In some continental countries people laugh rather good-naturedly when they hear a gun shot in the street and someone says that it is a crime of the "pash". Apparently they regard these things as everyday occurrences, but we should not be so loose in our attitude. There may be an excuse for a person coming home after a lengthy absence and finding some unfaithfulness in the house to take violent action to remove the cause of the trouble permanently. However, there is no excuse for the chap who pulls a stocking over his face at night, and with a gun in his hand, goes out to rob someone. If he does not intend to use the gun why take it? It is part of his equipment for the night's work. If a chap with a gun in his hand uses it while committing a robbery, that is an act of premeditated murder for which he was prepared. If he had not taken the gun he could not have used it.

How often have we read of a night watchman doing his normal job, discovering a person in premises where that person should not be. The intruder whips out a gun and shoots the night watchman, a man with a wife and family, a decent citizen doing his normal job. He becomes a victim of circumstances and his wife is a widow and the children orphans. Is there any reason why the man who commits this crime should get off with imprisonment for life? Other people have to suffer—the wife, the children and the relatives. Further, society suffers a blow to good order and decency in the community. Let us consider the case of a well-trained police officer, a dedicated officer doing his best to maintain law and order by the example of his conduct and the way he handles situations that confront him. Because of his duty he suddenly finds himself face to face with a desperate criminal. It is the job for which he has been trained both physically and mentally, but in trying to apprehend the criminal he is shot and killed. Often it is a young constable of 25 or 30 years of age with a family who is the victim of these circumstances.

There is much difference between crimes of passion and a murder committed as a result of armed robbery or in other circumstances for which the criminal has prepared and equipped himself. Another circumstance in which murder is detestable is where an offence is being committed against women or girls, and the offender, realizing that he can be identified, seeks to remove the possibility of that evidence

by killing the person whom he is raping. In these so-called enlightened days there is more of this class of crime.

Mr. Jennings: We don't condone these things.

The Hon. G. G. PEARSON: It is well known that, in many of the populous and highly-civilized parts of the world, it is unsafe for women to walk singly or even in pairs at night. My daughter is living in New York at present. She is not a sensationalist or an emotional type of person, but she has said that the young women at the hospital at which she works have been warned that they should not venture into the street after dark unless they are in groups of three and also that they should be circumspect in certain parks in New York City during daylight hours.

What do we do to discourage a criminal from this sort of activity? Do we get soft with him? Do we say that he is not really a bad sort of bloke? Do we make allowance for him at the expense of the people in respect of whom he commits the crime? I believe that too much unattached idealism is contained in our thinking on these matters, and that such idealism, not having its roots in solid logic, is dangerous. In suggesting that different categories of murder exist, I stress that different penalties should be attached to each category. As honourable members know, I have placed certain suggested amendments on the file to give effect to some of my ideas, which, I believe, will commend themselves to the House. In lumping all killings together in the past, we have tended to create difficulties for the courts, their juries and executives. We have been far too loose in our application of the term "murder", when we should have been more definite and specific.

After all, we do not impose the same penalty for every class of robbery; minor penalties are imposed for crimes of petty larceny, harsher penalties in cases of serious robbery. We do not include all robberies under the one heading or penalty. I shall develop the ideas behind my amendments in the Committee stage. The Bill also deals with corporal punishment, in respect of which I have prepared no amendments. However, the member for Onkaparinga (Mr. Shannon) has indicated his intention in this respect, and I support the principle of what he seeks to accomplish. Although my education took place some years ago, I remember that my old headmaster who possessed much wisdom and whose name is treasured in the annals of education in this State, used to say that there were some fellows in my school (and undoubtedly in other schools) to whom one could appeal only through their skin. It was his practice to appeal, as he called it, to these people through their skin and, in retrospect, although I suffered under his method of appeal more than once, I found that he was absolutely right. No form of punishment is as effective as are a few strokes with the cane. In discussing this matter the Attorney-General has taken the more extreme definitions of "whipping" in order to make out a case. I do not object to his doing that; he seeks to abolish whipping, and so he draws the attention of the House to its worst form.

I suppose the word "whipping" conjures up in the minds of most people the kind of punishment inflicted in the convict days when a man's bare back received the stripes and lashes of the cat-o'-nine-tails comprising knots and cords that were deliberately designed to lacerate the flesh and to reduce the recipient to extreme human suffering and degradation. No society suggests that that would ever be contemplated now as corrective treatment. Indeed, whenever a whipping is ordered by a court these days the instrument has to be prescribed, and is usually an ordinary cane that can do no real physical harm. I think that, as a good old schoolmaster, the member for Gawler (Mr. Clark) would be inclined to agree that a few strokes across the backside (if I may use that term, Mr. Acting Speaker)—

The ACTING SPEAKER (Mr. Lawn): That is not unparliamentary as far as I am concerned.

The Hon. G. G. PEARSON: —of an incorrigible boy can do no real harm. If that is the correct punishment, then it is also correct in respect of the criminal or vandal who does not seem to understand that he is deliberately anti-social and resents anything standing in his way or anybody having anything that is decent—the type of person who uproots newly planted trees in the park lands, and who smashes windows and even foundation stones of churches (as has happened at Port Lincoln in my district). What form of punishment can be devised for such people who seem to misunderstand their function in society? I believe that one of the most effective ways of dealing with such people is to make them work until they have paid for the damage they have caused. However, in those cases where whippings are prescribed under the safeguards of the present administration and understanding of the law, I believe that it is not necessary

to be perhaps a little idealistic and to take this provision from our Statute Book.

If the Attorney-General, in replying to this debate, can give examples where whippings that have been ordered by a court have resulted in physical injury, and if he can prove that the whippings of today are anything like those that he describes, I shall be interested to hear him. I shall lend my support to my colleague's amendments in this respect. I point out that I do not speak on this subject today in order to indicate the general policy of the Party to which I belong; I am expressing only my own views. Some members on this side of the House do not agree with me, and no doubt they will express their own views. However, I do not support the Bill, in particular, the crux of its intention, as contained in clause 2. For that reason I will oppose the Bill because I believe that the possibilities of having amendments carried are somewhat remote. If the Attorney-General can assure me that any or all of my amendments on capital punishment are acceptable to him, I shall support the second reading. However, unless I know that my amendments have some real hope of succeeding, I shall have to vote against the second reading.

Mr. CLARK (Gawler): I am happy to speak on the Bill. This legislation is close to my heart and has been for many years; I support it completely and unreservedly. I will not have much to say about the speech of the honourable member for Flinders. I was happy to hear him say at the conclusion of his remarks that he spoke for himself and that other members on his side would speak for themselves and that possibly their opinions would not agree with his. I hope that the Bill will be treated in this way. I know that this has always been a part of Labor policy and a matter on which Labor members generally have strong feelings. I hope that the Bill will not be treated completely as a political issue because I do not think it is. I commend the Attorney-General's second reading explanation. As it is months since the Bill was first introduced, this afternoon I re-read the Attorney's speech, and I had the same feeling then as when I first heard it, and that is not always the case. I commend the Minister for his sincerity in introducing the Bill.

The honourable member for Flinders has said that this is an important part of the social legislation the framing of which has been largely in the hands of the Attorney-General. I believe it would be safe to say that no task that the Attorney has had in his life has given him more satisfaction than the framing of the social legislation we have had the opportunity to introduce this session. The member for Flinders said that this matter had been debated on quite a few occasions, and it has. However, it has not been debated in similar circumstances since I have been a member of the House; it has not previously been introduced by a Government. The honourable member also said that old, tried and well-worn arguments would be used, and that might well be so. I hope to use some of the arguments that I have used before. I believe the honourable member exaggerated his case and made things look blacker than they are. Although that is sometimes a wise method when opposing a particular measure, I do not think it was wise in this case because it was overdone. The Attorney's explanation of the Bill sets out plainly and concisely what the legislation will do and, more importantly, why it will be done.

I shall deal with one or two aspects of the Bill although I support it in its entirety. I wish to deal particularly with floggings and whippings of children, which are now provided for in the Children's Protection Act. Clause 3 deletes sections 15, 16, 17 and 18 of that Act, and thank God it does. I support the deletion unreservedly for two main reasons. First, I detest whippings, floggings and anything of that nature, and sincerely believe they are a degredation of the one who is whipped, of the one who does the whipping, and of the one who has to see that it is done satisfactorily. Honourable members will recall that in 1960 a kidnapping Bill was introduced in a wave of feeling following a sensational kidnapping case. On that Bill the then Premier, talking about whippings, challenged me in particular, and, I suppose, the then Opposition generally, when he said:

> I point out that there are several relatively trivial crimes on the Statute Book for which whippings are prescribed. Why hasn't the Opposition taken steps to remove the penalty of whipping in those cases? Whippings may be ordered for exhibiting false signals, for placing gun-powder near a vessel with intent to damage it, or for defiling a female under the age of 21.

Those were the so-called relatively trivial examples that the then Premier gave and he verbally challenged us to do something about them. That is exactly what we are doing now in one clause of the Bill. We are taking steps to have the legal whippings of children and others expunged from the Statute Book. I believe, as I believe do the rest of my colleagues,

that such a law should never have been on the Statute Book in the first place.

It might be interesting to forecast the attitude of the House in this matter. It is interesting to recall the attitude of some members in 1960. As I had certain memories of rather peculiar things being said then, I checked with *Hansard*. At page 1758 of 1960 *Hansard* the member for Mitcham said:

I believe that from the aspect of retribution whipping is an appropriate penalty.

At page 1762, the member for Rocky River, when speaking about whipping for kidnapping, said:

Another member said that we were asking someone to do something we would not be prepared to do, and by interjection I said that I would love to do it.

Those who know the honourable member might think that is out of character but he said it and I believe he would feel the same way now. On page 1762, the member for Ridley said:

I do not like whipping. This is the first opportunity I have had to register a protest against the principle of whipping for any criminal act . . . It is time we looked at all other Acts with a view to adopting a more modern viewpoint.

The honourable member for Burra said (and I entirely agree with what he said on this occasion):

We are a civilized people. I am opposed to our debasing ourselves. We would have to employ some sadistic moron to administer a whipping . . . Whipping is not a deterrent . . . This whipping business is primitive and associated with revenge, and nobody should associate himself with it today.

I wish I had said those words in the House; I would have been proud to say them. I have referred to the statements made by those members to give some idea of the feeling of the House then, and in the hope that some members who made those statements will have changed their minds. I do not refer to the members for Ridley and Burra: I know they would not change their minds. Let us have a look at the sections we are deleting—15 to 18 inclusive—from the Children's Protection Act. Sir, what a name! Imagine that in that Act we have sections allowing children to be whipped! If members check those sections they will find that a male from 8 to 16 years can be whipped for exposing his person in a street or thoroughfare, behaving riotously or indecently in a street or thoroughfare, using indecent or obscene language in public, assaulting any woman or female child, singing obscene songs or ballads in public, writing or drawing obscene words or pictures publicly, throwing deleterious substances over people, being convicted as a rogue or vagabond, throwing stones or missiles after being previously convicted, and for placing obstructions on railway lines. The sections contain other things, and honourable members can read them for themselves. For these offences a boy can get 25 strokes with a birch. On the face of it (and I am sure honourable members would agree with me) some of these officences are very much more deserving of flogging than are others. But, Sir, that does not matter particularly to me, because in my opinion whippings and floggings just should not be administered at all, and that is why I am happy that we are attempting (I hope, successfully) to abolish them by means of this Bill.

In the last few days I have been told that some people like whipping because it has been a long-established punishment over the years. The honourable member for Flinders dealt with this matter. We know that floggings are not new; we can go back to the Mosaic Code and probably a good deal further. Indeed, if we bothered to study the historical picture we would find that until about the year 1800 imprisonment was not very common for the suppression of crime at all: flogging was the usual thing. Down through the ages, of course, slaves were frequently flogged to death, particularly when there were plenty of them and their monetary value was not very great. If we bother to study history we find also a growing consciousness that corporal punishment is not so much a deterrent to crime as was supposed in less enlightened times, and as a general practice floggings have been abandoned. That, of course, is in enlightened countries under enlightened government, which, of course, I naturally hope is the case with our present Government and any other Government that may be in office in South Australia.

I know that some people are inclined to sneer at psychologists, but if we bother to study modern psychology on this issue, particularly genetic psychology, we find that it has been proved conclusively (enough to satisfy me, at any rate) that there are dangers inherent in flogging children. I say quite unreservedly that it has been proved that such floggings may develop dangerous inhibitions and psychological traits likely to undermine in the future the whole mentality and nervous system of the child, and turn out not reformed characters but the very types that we are trying to reform by floggings. Strangely enough, this does not happen only to weaker children. Often it has more effect on the so-called tough guy character. The boy who claims to be

tough and hard is usually found to be the chap affected most by floggings or punishment of this type. Those who support floggings should do so in the full knowledge that what I am saying is correct. The member for Flinders said that I was formerly a teacher, which of course I was for many years, and seeing that he mentioned it it might be of some interest if I devoted a minute to saying how I feel about this. When I was a young teacher I had no hesitation in grabbing a cane and using it on a fellow who I thought needed it. Strangely enough, when I had children of my own I found I was most reluctant to use a cane at school. I do not know whether or not it was the effect of being a parent myself. I know that my married daughter will say to me now (and perhaps this is an argument against what I am saying) that she wished that when she had been a girl at school I had hit her under the ear or smacked her instead of talking to her. However, I came to the conclusion fairly early in my teaching life that one does not do very much good with a cane, and in the latter 10 years or so of my teaching career I do not think I used the cane at all. I may have grabbed a fellow and given him a bit of a shake, or something like that, but I consider that a person can do just as much correcting with his tongue if he knows how to use it.

We must remember that in days gone by a good many boys were caned for things that were just plain silly. I had a boy at primary school who could not spell. If he were told that he was to have a spelling test of 20 words the following day and he stayed up all night studying he would get between 15 and 19 words wrong. That boy regularly received the cane because he had a host of errors in spelling. However, I guarantee that he could not spell today. What is the sense in caning or flogging a boy for that? I say that most of the floggings and corporal punishment that can be inflicted unded this so-called Children's Protection Act would do no more good than the cane used to do to that boy who could not spell. I said earlier that I do not think punishment such as flogging or caning is good for the punished, and I do not think it is good for the punisher, either. I have seen teachers years ago (not recently, thank goodness) who I sometimes thought took a delight in punishing boys. I do not think it is a deterrent, either. In fact, I do not care very much whether it is or not, because the flogging of people, particularly young children, is repugnant to me. Slightly less repugnant but only very slightly so is the flogging of anybody. We have been told that whippings and floggings act as a deterrent, but I have not yet seen anybody who was able to raise any proof that would convince me of that. Indeed, I do not believe there is any proof to that effect. It is a considered opinion of those who know more about it than I do (and I would suggest, possibly more about it than any of us) that it is not a deterrent, and if it is not a deterrent then it is just sadistic and vengeful and should not be tolerated in this State again. I hope that as soon as this Bill is passed it will not be tolerated again.

As I said, I am not very interested in whether or not it is a deterrent, for I think it is wrong. After all, we claim (rightly, I am sure) to be a Christian Parliament. We commence our proceedings each day with prayers. Heaven forbid that we should have legislation that to me (and I am open to correction, of course) looks un-Christian. I honestly believe that whipping is much more barbarous than the crimes for which it can be administered under the Children's Protection Act. I am doubly opposed to the specious excuse of whipping children to protect them under such an Act. I urge all members to support this section of the Bill.

I come now to capital punishment itself. The honourable the Attorney-General told us, quite rightly, that this is Labor policy. I am proud that it is. As I have said, I was very happy to hear the member for Flinders say that apparently this matter is to be treated on the Opposition benches on its merits, according to the feeling that each individual member has about it. The debate on this subject should prove most interesting, for sometimes it is a real relief in this place when the tenor of the debate is not shaped largely by the politics of members who speak. I hope that this can be dealt with on the grounds of whether it is good or bad; whether it has any value; whether it is a deterrent; whether miscarriages of justice can occur. We should all remember that capital punishment is indeed final. This is primarily a moral rather than a political issue. The State has the right to take the life of a murderer if he threatens its security from within, as it has the right to take the life of one who threatens its security from without. However, I am doubtful whether the State should do that, and that is why I support the Bill. I doubt whether anyone can convince me that hangings and other executions deter people from committing such crimes. I believe capital punishment to be futile and immoral. I shall not

belabour the religious angle, although most of us have seen articles and letters in the press, and some have received letters stressing the religious angle and including quotations from the Bible, particularly in support of the retention of capital punishment.

I have respect for all religious opinions, but I believe that capital punishment contradicts the essence of the Christian concept. We must remember that it should be redemption, not destruction. When quoting from the Bible, I believe that it is the sum of the whole that makes the point. I have seen many quotes opposing capital punishment, so that I cannot refrain from quoting from the Book of Ezekiel, "As I live said the Lord God, and have no pleasure in the death of the wicked, but that the wicked shall turn from his way and live." I have always believed, and know that many believe, in repentance and the opportunity for reformation, and I cannot justify capital punishment from the Scriptures nor be convinced by those who think they can. I do not think that religious grounds should decide this Bill.

We must remember that execution is final and irrevocable. At least it prevents the recurrence of the same crime by the same individual, but what if the executed person was not guilty? This possibility always exists and, indeed, it has happened. There are many reasons for this, including mistaken identity, perjured testimony, fallibility of the senses, a genuine mistake, possible lapses of memory, errors of judgment, and undiscovered evidence. I understand that in many States of the United States of America one reason for it is the inordinate zeal shown by police officers who apprehend the murderer. Also, and we have seen this in South Australia, there is the possible public clamour for a conviction that may sway a jury. These instances have caused miscarriages of justice. The name McDermott in New South Wales and the Evans-Christie case in the United Kingdom, are well known. There are many other authentic instances where miscarriages of justice have been proved.

In 1721, William Shaw was hanged for murdering his daughter, but a few weeks later a suicide note written by his daughter was found that proved his innocence. This was not much help to William Shaw, who was dead. In 1727, James Crowe was hanged at York, but later a man, who confessed to the crime, was arrested in Ireland. This man was almost a double of James Crowe, so that it was a case of mistaken identity, but Crowe was dead. In 1736, Jonathan Bradford was executed for murder, but a year later someone confessed to the crime. In 1742, John Jennings was hanged at York, but later a man named Brunel confessed to the murder. However, Jennings was dead. In 1815, Eliza Fenning was hanged for a triple murder, but later it was proved conclusively that she was innocent. In 1831, Richard Lewis was hanged, but it was found years afterwards that he was completely innocent. In 1876, William Hebron was convicted of murder but because he was only 18 was reprieved. Later it was proved by the confession of Charles Peace, a well-known criminal, that Hebron was completely innocent. Luckily, Hebron was still alive and was released. In 1909, Oscar Slater was convicted, but public clamour caused his reprieve and imprisonment for life. Although he served 18 years' imprisonment for a crime he did not commit, at least he was still alive.

I believe that if we could cite one case only of innocence it would be ample proof that we were running a grave risk of taking a life unnecessarily. These cases prove that however carefully safeguards are devised under our legal system, and however vigorous is the search for truth, it is possible for an innocent person to be convicted and executed. We must remember that at the time of each trial and execution the proof of guilt was thought to be beyond reasonable doubt, and yet miscarriages of justice have occurred. I am reminded of the words of Marshall Lafayette, who said, "I shall ask for the abolition of the penalty of death, until I have the infallibility of human judgment demonstrated to me." And so shall I. We know that the system is only human as we are, and therefore it must be fallible. The crux of the problem seems to be whether we can honestly and sincerely regard the death penalty as a deterrent except to the individuals executed. I do not believe we can. That is the only possible excuse left for the retention of capital punishment. If anybody can prove that it is a deterrent, I shall be a little more open to conviction. I have heard people try to prove that it is, but they have never satisfied me; nor do I think they have satisfied the person endeavouring to administer it. We were told by the member for Flinders (Hon. G. G. Pearson) this afternoon that statistics could be taken out to help both sides of an argument, and be made to prove almost anything. In fact, I rather think the honourable member tried to do that, but I do not believe that what he said is true. If we bother to study the statistics and facts and figures of this matter we can

come only to one conclusion that cannot be twisted to mean anything else. We have been told (and we expect to hear it again) that the abolition of capital punishment will weaken or damage the position of the Police Force and cause criminals to carry and use firearms, thereby forcing the police to do likewise, but that is not consistent with fact.

The British Royal Commission's report on capital punishment which, as honourable members may recall, covered a period from about 1949 to 1953, was largely the progenitor of the eventual decision (made only yesterday or today) to abolish capital punishment in the United Kingdom. The report states:

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

Those conclusions were not reached hastily, but were based on evidence supplied by representatives of many other countries where the death penalty had been abolished. Fear of capital punishment certainly has not prevented the shooting of policemen. We were told this afternoon about the horrible crimes deserving of floggings and hangings, but it is certain that such crimes will continue. What happens to the proved unsuccessful murderer—the man who is detected and fails in his crime? He is not hanged, despite the fact that not much difference exists between him and the person who actually succeeds in committing a murder. The *Annals of the American Academy of Political Science*, November, 1952, states:

A comparison of the States—

that is, American States—

that provide the death penalty for murder with those who do not, shows the homicide rate to be two to three times as large in the former States as in the latter.

That is a peculiar thing, but nevertheless a fact. It is an accredited conclusion that should astound and confound those people who desire to disbelieve it. A simple study of figures in relation to such countries as Norway, Sweden and Holland shows a similar result. The same journal states:

The results of a careful analysis of figures prove that the death penalty has little or nothing to do with the relative occurrence of murder.

Fortunately, none of us has ever been faced with the situation, but let us try to imagine the events preceding a murder. Usually, the murderer is so preoccupied with other considerations, that his reflecting on the consequences of what he intends to do is impossible. I am certain that, at such a time, the fear of death is relative to his present situation. Heightened emotions in a crisis interfere with an objective assessment of future consequences. There is no doubt that human behaviour is influenced by fear, but I think we must also remember that many murderers believe they are far too clever to be apprehended. They certainly do not think about what the future may hold. We must ask ourselves the question, "Do individuals think of the death penalty before they kill, or do events bring it home to them after they have been apprehended and sentenced?"

Mr. Jennings: They don't think of the penalty at all.

Mr. CLARK: No, other things occupy their minds. Most people do not regulate their lives in terms of the pleasure or pain resulting from their major acts. It is not as simple as that, and this is particularly borne out by the fact that a crime is motivated by a particular passion, not only by fear but by love, loyalty, ambition, jealousy, greed, lust, anger, envy, resentment, and other emotions. Most people who premeditate a crime are so affected by their emotions that little room exists in their minds to fear the consequences. Their only thought at the time is of the urge to commit the crime. The emotions to which I have referred are often stronger than the emotion of fear and of the thought of punishment. I should not like it to be thought that fear of death is not a real emotion, but I believe an enormous difference exists between the quality of fear before the crime is committed (when the punishment is only potential and abstract) and its quality after the murderer is apprehended, when the fear is then concrete and imminent.

It is interesting to recall that in the reign of Henry VIII 72,000 thieves and murderers were sent to the gallows, all having committed offences punishable by death. Those people took the risk, even though they knew they were committing a capital offence. In the reign of Elizabeth I, 19,000 people were executed, most of them hanging for premeditated thefts and the like. Although they knew the penalty for the offence they committed, it did not deter them. Executions were public, and attended by thousands, including pickpockets who, themselves, committed a capital offence, even while the execution was taking place. Although this example may be slightly exaggerated, it does not seem as if it was any deterrent although it was carried out right in front of the eyes of the people. Surely then, such a death would have even less effect on unpremeditated crimes of murder. I

believe that most murders are due to sudden impulse, to a fit of overmastering passion or to anger, hatred or something of that nature. Are such murderers, caught up in a feeling of the moment, likely to be deterred by the fear of hanging? I do not believe they ever think of it; it never enters their heads.

It might be interesting to know what criminals themselves think of this. I shall quote two cases from Warden Lewis E. Lawes's book, 20,000 *Years in Sing Sing*. These cases are illuminating in connection with the point I am trying to make. The first quotation relates to a conversation with a condemned man on the eve of his execution. It is in the words of the warder and in the vernacular of the prisoner. It reads:

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

Another quotation from the same author reads:

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

That is in the language of an American gangster to some extent, but its point is as true as when it was written. The quotations indicate clearly the feelings of some criminals who have committed murder. The *Annals of the American Academy of Political Science* states:

Statistical findings and case studies converge to disprove the claim that the death penalty has any special deterrent value. The belief in the death penalty as a deterrent is repudiated by statistical studies—

and that is despite what the member for Flinders said this afternoon—

The fact that men continue to argue in favour of the death penalty on deterrent grounds may only demonstrate man's ability to confuse tradition with proof.

I trust that no member in this place will confuse tradition with proof. The members for Gouger and Mitcham are fond of often quoting from the Labor Party's Rules. If my memory is correct, clause (*c*) of the objects of the Liberal and Country League used to read (and I suppose and hope it still does):

To advocate sound, progressive and humanitarian legislation.

This legislation would surely comply with all three of those requirements. I hope that we live in modern, enlightened times although sometimes I doubt it.

Mr. Quirke: Leave it at modern.

Mr. CLARK: Yes, but I think most of us like to think that people today are more humane than those who lived in the past.

Mr. Quirke: It depends how deeply you scratch.

Mr. CLARK: That may be a legitimate point. However, I think most of us are more humane. We have only to look at some of the things that took place in the past to realize they would not be countenanced today. It must be partly true at least that we are more humane because nowadays in over 30 countries the death penalty has been abolished either by law or tradition. This leads me to believe that we have made some progress. As proof of this we need go back only to the old Mosaic Code under which there were 33 capital offences. We have only to remember some of the former methods of putting people to death, which I am sure would fill us with horror and disgust. In the past people were put to death by such means as burning at the stake, crucifying, boiling in oil, shooting, self-execution, burying alive, and so on.

Mr. Quirke: Does it hurt more to be boiled in oil than to be boiled in water?

Mr. CLARK: I have an idea that oil would be very sticky against the flesh. However, I should not like to be boiled in either any more than would the member for Burra. Surely we must be more humane than those who put people to death by the methods I have described. Such barbarity makes us shudder. Nowadays we claim that we kill quickly and painlessly, but the convicted person is just as dead at the finish. We claim that the days of torture are over but are not our present methods planned, deliberate, mental torture? I claim that they are. I may be accused of being sentimental and emotional, and perhaps I am. Usually people who believe in reform have that accusation made against them.

Probably one of the most priceless of such accusations was made against Sir Samuel Romilly 100 years ago when he was urging, in the British Parliament, the abolition of drawing and quartering and was told that he was "breaking down the bulwarks of the Constitution". Doesn't that sound like the type of thing that is said in this place even now? It is hard to believe that anyone would suggest that a person was breaking down the bulwarks of the Constitution by getting rid of drawing

and quartering so, after all, we have improved. It is by the efforts of people like Sir Samuel Romilly and others that capital punishment will be abolished in South Australia. I do not believe one scrap of what the member for Flinders said about capital punishment being abolished in the United Kingdom because of the slow pressure of people, many of whom were biased. I do not believe that is the reason at all. It might be the position if a majority were obtained only in the House of Commons but it could not apply to the obtaining of a majority in the House of Lords.

The Hon. D. A. Dunstan: It was a two-to-one majority, and the judges were overwhelmingly in favour of it.

Mr. CLARK: I am glad to hear that. They are in favour of it in this State. I hope it will be abolished and remain so for all time. I suppose charges of being emotional and sentimental were made against those people who tried to abolish slavery, child labour, and so on. Later I will give a quotation that may lay me open to the charge of emotionalism, but I will still give it because, after all, we now say, "Well done; it was the best thing they ever did" about the work done in the past by sentimentalists and reformers.

To conclude my remarks, I refer to the period of waiting for execution after conviction for murder, which is a very real and terrible thing that we do not think about enough. Some may say, "It is a terrible thing, but he deserved every bit of it." I know that any man about to be executed has done something to cause terrible mental and physical pain to others and should be punished. When the member for Flinders (Hon. G. G. Pearson) was speaking, the member for Enfield (Mr. Jennings) interjected and said, "We do not condone these things." Of course we do not, as we know that murder is a terrible thing and that the offender must be punished. At the risk of being regarded as a starry-eyed sentimentalist, I will now quote from a pamphlet from which I may have quoted before; it is called *Heart of the Matter* and is written by Victor Gollancz, who tries to get into the mind of a man awaiting execution. He says:

Imagine, then, that you are in the death cell with three weeks to wait. Everyone is very kind to you, especially kind: particularly the pair of warders, who are with you and watching you every hour of the day or night for fear that you may find a way of taking the thing into your own hands and "cheating the gallows". They chat with you, they offer to play cards with you in the hope of keeping your "mind off it", but all the time a little door in the side of your cell reminds you of what lies just beyond it. The doctor treats you like a king, for you must be well enough on the day to be killed: and the chaplain offers you spiritual consolation. . . .

"What is it like being killed?" you keep asking yourself. Maybe you ask the warder and he replies, "A matter of seconds: no worse than having a tooth out". But you don't believe him. Death by hanging is perhaps instantaneous, but the contemplation of it isn't. You go to bed and perhaps to sleep with what nightmares only God can know. You wake up and maybe have forgotten: you wake up as a real man wakes up, with the joy or the burden, the ordinary happiness or the ordinary misery of a new day before him. But, if you have forgotten, you have forgotten only for a second: and the rushing stabbing realization of what you are is all the more dreadful for that momentary oblivion. The hour grows nearer, and your mental agony increases. You cannot get away from it, this horror that is you. It lives in every breath you draw, in every word you speak, in every moment you make: it eats with you, drinks with you, goes to bed with you, gets up with you . . .

I think that is enough to quote; probably some will say it is too much. Perhaps these words are emotional, but they are horrifyingly true. I cannot accept that even a murderer should be condemned to such a fate. He should be punished, of course, as I have made obvious all the way, but not in this way. I do not believe that the fear of death at some time in the future holds great terrors for most of us, but I am certain that the thought of an untimely and inevitable death getting closer and closer holds terrors for us all. I cannot subscribe to this judicial killing, and I cannot imagine that anyone else can.

I support this Bill, firm in my own personal belief (and it is something to have a strong personal belief on something) that strong and enlightened opinion in the civilized world favours abolition of the death sentence. I sincerely hope that much enlightened legislation will pass through this House during this session, but I firmly believe that if we pass this Bill to abolish capital and corporal punishment the year 1965 (or possibly 1966, depending on how big a hurry we are in) may well be remembered long after other things that we pass during this session are forgotten. I believe this is one of the most important measures that can possibly be brought before members, and I am proud to be a member of a Government that has been prepared to introduce it.

Mr. QUIRKE (Burra): It should not be necessary for me to address myself to this Bill, as everyone knows that I am opposed to

judicial capital punishment. That does not mean that I think the State has not the right to take life; I know that it has that right and that in certain circumstances and under certain conditions, such as in times of trouble, internal insurrection, treason, and so on, the State must defend itself and must have the right to take life.

Mr. Clark: I said that.

Mr. QUIRKE: I do not deny that. An added reason for my opposition to capital punishment is that, as honourable members know, I had a term as a member of Cabinet. These matters come before Cabinet, and the interesting thing to me is that, with the exception of one case, all the convicted persons who applied for their death sentence to be commuted could be classed as weak in the head. Never once was there an outstanding strong-minded individual, an ordinary citizen: everyone was abnormal. That showed conclusively that what we were doing was a type of euthanasia; the elimination of the unfit. I disliked it more after my term in Cabinet than before, and that is saying something because I had never had any regard for it.

Anyone who has studied the history of the last 500 years must realize what a useless thing capital punishment was. When one studies the history of Europe over the last 500 years (and I am not excluding our Mother land) one knows that it ran rivers of blood. There were cruel and sadistic practices that are shocking even to contemplate now. It is said that we have become better and are no longer capable of doing these things, but I do not know that that is so; the occurrences of the last 30 years have not shown that we have been absolved from all ideas along those lines. The veneer of civilization is very thin indeed, and how one reacts to savagery depends on how deeply one is scratched or how much one resents or hates someone else or some section of society. No good has ever come of capital punishment, no good can possibly come of it. The reason I have now added to the reasons I have given previously is that the people who commit these crimes are on a lower stratum of mental intellect: some of them can be bright and sharp but they are still weak in one particular or more.

I do not like corporal punishment, either. The history of flogging, which is no longer contemplated here, is shocking. In the press the other day there was a story about 20 men who were picked at random on Norfolk Island to be hanged for a crime. The other people there fell on their knees and prayed to be hanged with them because life there was so shocking. So death can come as a release sometimes; it is not always to be contemplated with fear. They were the conditions, and flogging was a part of it, but I do not know that I go as far as some honourable members do and say that the swish of a cane across the tail of a delinquent will not do him any good—because I do not believe that. It can do him good. I know it did me good.

Mr. Hudson: Were you a delinquent?

Mr. QUIRKE: I was a delinquent on many occasions in my father's opinion. When he thought that I had been delinquent in any one particular, he saw fit to make me revise my ideas. I do not think it ever did me harm—but it hurt.

Mr. Hudson: Did you ever get enough?

Mr. QUIRKE: I do not think I did. But still there is that sort of corporal punishment—"Tan his tail for something that he knows he is guilty of. Give him a few cuts." One does not need to stand off and think that he is going to throw a baseball by winding himself up to get into a youngster: all that is necessary is a few good strikes for an offence of which the youngster knows he is guilty. That will not harm him. There was a time in the history of the South Australian Police Force when the plain-clothes man walked the streets with a long cane. In those days there were not groups of nasty little people on the street corners outside ice cream shops. The police were never known to abuse that cane, as far as I know. My father was one of them: that is where he learned to use it.

Mr. Casey: I thought he had a blackthorn.

Mr. QUIRKE: It was not quite as heavy as that. There were gangs called "pushes". Somebody was pushed, who in turn did some pushing. This happened in North Adelaide. The gangs would rise up. There would be one brilliant lad who thought that he was much better than the rest of the men; he would gather a team around him, and the push would be known by his name. A man like my father, wise in years, would wait around until they caught the ringleader in some delinquency and then alter his opinion in front of his assembled army, and that army was rapidly disbanded. It did no harm at all; it kept the area nice and tidy. In fact, a youngster who got it never resented it. I think the member for Torrens (Mr. Coumbe) knows some of the activities of those days.

Mr. Burdon: To what gang did he belong?

Mr. QUIRKE: He belonged to my gang. In my youth I knew plenty of youngsters who had their tails tanned (including my own), and we never resented it. A youngster did not grow up hating authority; he grew up respecting authority. That is an entirely different thing from flogging and whipping with the birch. What these youngsters have to realize is that often a little correction is needed to show that there is that authority, that there is an authority prepared to protect itself against them and to prove to them that they will not be allowed to flout authority easily. We can do too much arresting of young people. In the old days, very few young people were arrested, but they did not sit comfortably for a while after the particular episodes came to the notice of the police.

Mr. Burdon: It was the order of the boot.

Mr. QUIRKE: Yes. They were corrected nicely. I do not like this idea of hauling every youngster before the court. I do not know how we can overcome it, but that will leave a more indelible mark on a youngster who is against authority than the weals across his tail. He can get rid of those but he cannot rub out the other one. That is my only reservation on this matter.

Capital punishment is finished. It never did any good: it did only terrible harm. One of the worst features is the mark it leaves on the condemned man's family. That is the really bad thing about it. That is an indelible brand that carries into posterity. Sometimes one can be proud of brands. As all honourable members know, my first name is Percival. I was called Percy. As a child, I hated that name. I did not like "Percy" until I read the history of the Percys. Actually, they went over to England with William the Conqueror. It was a Norman family and its heraldic shield is on the roll in the library of Battle Abbey. They were there at the signing of the Magna Carta. I have to be proud of these Percys. Only 1 per cent of them died a natural death; the rest were either hanged or killed in battle. They were really good people; a few had their heads cut off. They were rather strong-minded people. I have lost all my ideas about not being proud of the name "Percy". Up in the Cheviot Hills, with their little castle that nobody ever took from them, they were a gang of wild men but at the same time they rebelled against authority and were successful in that rebellion. I have rebelled against some authority and paid the penalty for it, too, but it has never left any resentment in me. I hope that nothing that happens between me and my fellow men will ever lead me to resent it. But, when we take the life of, say, a father who has children and a wife, we put an indelible brand on that family forever—there are no two ways about that. That is another reason why I oppose capital punishment. My views have not changed in any way and I support the measure for the abolition of capital punishment.

Mr. HUGHES (Wallaroo): I support this Bill and was pleased to hear the remarks of the member for Burra. They show how consistent he has been over the years on this vital matter and we were all glad to hear him voice his opinion on capital punishment again this afternoon. I have little more to place before the House than I had when I spoke in a similar debate in 1959. The arguments I advanced on that occasion (and I intend to use some of them again today) have not been effectively answered, in my opinion, by members of the Opposition, particularly when they were in Government and when I spoke on this measure some years ago. I believe in my own heart that it is wrong to take a life. No justification for taking life can exist, Sir, unless it is in self-defence or in the defence of another person. No doubt some of the tragic happenings in this State of recent times have made people feel tempted, sometimes, to take the law into their own hands. However, thank God we are living in a Christian era, when people do not let temptation cloud their better judgment. No longer do people argue that there should be an eye for an eye or a tooth for a tooth. How would the members of this House react to a suggestion that if a person attacked another, who as a result lost both eyes, this Parliament should take steps to have the attacker's eyes put out in return as punishment for the crime? I believe every member would laugh and say, "Don't be so ridiculous."

As every member of this House knows, there are files of evidence that one could bring before the House in support of the abolition or the retention of capital punishment in this State. However, Mr. Speaker, I believe that the evidence in support of the abolition of capital punishment would outweigh the evidence in support of its retention, particularly in the light of the evidence that mistakes have been made in the past. In a previous debate on this question, a member of the present Opposition, in speaking for the retention of capital punishment, said:

One should not twist the whole of our system because of the possibility of a mistake in a fraction of 1 per cent of cases.

That honourable member admitted at the time that no court of law was infallible and that mistakes were made. I am asking the House this afternoon to alter the system that operates in this State not because of a suggestion of a mistake in a fraction of 1 per cent of cases but because records show that mistakes have been made in the past. In New South Wales a man charged with murder was acquitted after being convicted at an earlier trial. This man had been found guilty of murdering his wife by shooting her through the head while she was sitting at the kitchen table, and he had been sentenced to the penalty applicable to the crime in that State. As all honourable members know, capital punishment for murder was abolished in New South Wales in 1955. The point I want to make is that if that man had been living in a hanging State he could have been hanged before fresh evidence was forthcoming, necessitating a new trial. A report of the trial and acquittal, appearing in the *Advertiser* in 1958 under the heading "Released After Murder Trial", was as follows:

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

I think that case alone proves conclusively that human error can be the means of condemning a man to death. After the torture this man Blanning must have suffered during the 14 months he served in prison, branded as a murderer, I think he could be pardoned for losing respect for all his fellow men. If the State had placed £1,000,000 in the hands of that man upon his being released from prison, I do not think it would have compensated him for the injustice the State had done in branding him as a murderer in the eyes of the world.

I now turn to another mistake that also occurred in New South Wales. A person by the name of McDermott was convicted on circumstantial evidence by a jury of the murder of a person who was never found, and 14 years later it was found that he had been wrongly convicted. I realize that upon his release he was given some compensation, but what a terrible thing it would have been if this man had been convicted in a State that carried out capital punishment. More than likely he would have been hanged. It would appear from Gallup polls (and they are the only guide we have in this matter) that 10 years ago a majority of Australians favoured the retention of capital punishment, but since 1955 a significant change has taken place. In 1955, 67 per cent of the people favoured the death penalty for murder; in 1959 that figure was 62 per cent; in 1960 it was 60 per cent; and in 1962 it had dropped to 53 per cent.

Gerald Gardiner, Q.C., in his book refers to Sir Samuel Romilly, Q.C., M.P., who every year introduced Bills to abolish capital punishment for minor offences, such as stealing goods to the value of £2 from a dwellinghouse or 5s. from a shop. It was some years before he could persuade the House to pass any of his Bills, and then he found that they were thrown out each time by the House of Lords. Mr. Speaker, he died a very disappointed man. I understand that his only success in the field of reform was an Act which abolished capital punishment for a person picking pockets and for a soldier or sailor begging without having a pass on him. The main opposition, Sir, always came from the judicial members, who some years later were proven wrong in their argument that capital punishment acted as a deterrent. I now quote from Gerald Gardiner's book, at page 26. He said:

Perhaps the most typical of the statements by which capital punishment was defended at this time was that which was made by the Chief Justice of one of his Romilly's Privately Stealing Bills, when he said:

> If we suffer this Bill to pass we shall not know where we stand—we shall not know whether we are upon our heads or our feet . . . Repeal this law and see the contrast—no man can trust himself for an hour out of doors without the most alarming apprehensions that, on his return, every vestige of his property will be swept off by the hardened robber.

The argument was always the same. Death was—must be—was bound to be—could not help being—a greater deterrent than any other form of punishment, and therefore its abolition

was bound to result in a large increase in whatever the crime in question was. In vain Romilly argued that, while this might be so in theory, it would not happen in practice; that the chief deterrent to crime was not severity of punishment but certainty of conviction; that a punishment which an increasing section of good citizens vehemently believed to be morally wrong inevitably tended to lower the conviction rate; that its abolition would increase the conviction rate and therefore be more likely to reduce than to increase the crime in question; and that brutal punishments only tended to brutalize the people. The answer always was that Romilly was not a judge: only the judges understood these things: and that death must be—obviously was—was bound to be—the unique deterrent, the abolition of which would necessarily result in an increase in the crime.

I turn now to page 29, where Gerald Gardiner said:

Between 1823 and 1833 capital punishment was abolished for many offences, so that by 1834 the city of London had had to discharge one of its two salaried executioners. By 1861 capital punishment had been completely abolished except for those crimes for which it exists today. In 1868 public executions were abolished, largely because of evidence before the Royal Commission of 1866 that of 167 persons who had been under sentence of death, in one town, during a number of years, 164 had themselves witnessed a public execution; in consequence of which the Commission concluded that the judges could not be right in the view which they had expressed in favour of the continuance of public executions on the ground of its special quality as a deterrent. When, however, the death penalty was removed from all these different offences, there was no increase in these crimes at all, and the judges were proved by history to have been wrong—not slightly wrong, but absolutely and completely wrong.

There has been a progressively humane approach to the death penalty. During the last century, the list of capital offences was reduced from 200 to four. In view of the figures made available though the holding of Gallup Polls in Australia since 1955, we can expect this progress to continue, with murder the next crime for which the death penalty can be abolished. In a moment I want to quote from *Capital Punishment as a Deterrent; And the Alternative*, by Gerald Gardiner, Q.C., because the advocates for the retention of capital punishment always come up with the argument that while capital punishment remains on the Statute Book it acts as a deterrent, but it has been proved over the years to be a false claim. During the years immediately following the abolition of capital punishment for any particular crime, accompanied as it was by much publicity of the fact, so that men knew that if they committed that crime they could no longer be hanged for it, Gerald Gardiner said:

If the theory of the unique deterrent had been right, there would have been some increase in the crime.

But the remarkable fact is, as Gardiner points out, that the total number of committals for all offences from which capital punishment was removed in the last century for which the figures are available decreased by over 10 per cent in the three years after the removal of the penalty from each offence respectively, compared with the last three years in which the penalty existed. The detailed figures have all been published. I want to let the House know who Gerald Gardiner is and why I respect his book so highly. He was called to the bar in 1925. He was a member of the Committee of Supreme Court Practice and Procedure, a member of the Lord Chancellor's Law Reform Committee, Master of the Bench of the Inner Temple in 1955, and Chairman of the General Council of the Bar in 1958. He later became Lord Chancellor of England. The British delegation of 475 representatives to the Commonwealth and British Law Conference, which was held in Sydney this year, was led by the Lord Chancellor of England, Gerald Gardiner. This learned man, in considering why the judges were wrong, said:

Whatever we may think of their humanity, they were not to be blamed for the view which they took as to what the result of Abolition would be, because at that time—unlike the present time—there was no evidence whatever as to what actually happened when capital punishment was abolished for any offence, because it had never been done; it was anyone's guess.

If a judge expresses an opinion, for example, that the degree of violence in crimes has increased, he is expressing an opinion on a matter which his office makes him peculiarly well qualified to judge; the judges hear the full facts as to the actual crimes committed in the country. But for some reason history has shown that the House of Lords, and the public generally, have always assumed that the judges are also experts on the question of deterrence. Despite the evidence presented in years gone by proving that the judges were wrong in their findings that there would be an increase in crime should capital punishment be abolished, the Lord Chief Justice, who appeared before the Royal Commission of 1948-53, said that all but one of the judges of the King's Bench Division were in favour of retaining capital punishment.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

Mr. HUGHES: The Lord Chief Justice, who appeared before the Royal Commission of 1948-53, said that all but one of the judges of the King's Bench Division were in favour of retaining capital punishment. Judges who gave evidence before the Royal Commission were the Lord Chief Justice, Lord Justice Denning, Mr. Justice Humphreys, Mr. Justice Byrne, the Lord Justice-General (the late Lord Cooper) and Lord Kieth. Lord Justice Denning held that to test the efficacy of a punishment solely by its value as a deterrent was too narrow a view. Punishment was the way in which society expressed its denunciation of wrong-doing, and in order to maintain respect for the law it was essential that the punishment inflicted for grave crimes should adequately reflect the revulsion felt by most citizens for them. He said that it was a mistake to consider the objects of punishment as being a deterrent, reformative or preventive, and nothing more, and he would, therefore, not abolish capital punishment but would confine it to the cases that really deserved it.

Despite the admission of Lord Justice Denning that capital punishment was not a deterrent, it was to be maintained out of respect for the law of the land, irrespective of whether the law was good or otherwise. Mr. Justice Byrne also thought it was necessary to retain the death penalty, both as a deterrent and because it was satisfying to the public conscience. However, again I am at a loss to see how this learned man could justify the first part of his statement, when he went on to say:

I do not think it is a deterrent at the two extremes of the scale of murder. That is to say, I do not think it deters the man who poisons somebody, and the whole thing is carefully worked out, because he thinks he is too clever to be caught. And I do not think it deters the person who "sees red" and commits murder. He does not stop to contemplate it at all.

The people to whom he thought capital punishment would act as a deterrent would be those who are disposed to commit crimes of violence and who would not, if necessary, hesitate to kill in order to effect their escape. Mr. Justice Humphreys took the same view. Because both Mr. Justice Byrne and Mr. Justice Humphreys shared the same views on this matter, I made some research into what was said with respect to it in the 1948 debate in the House of Lords, and also statements of the Select Committee and the Royal Commission. I quote from *Capital Punishment as a Deterrent*, which states:

Those who try to uphold capital punishment sometimes do so on the ground that even if murders did not increase, there would be an increase in the carrying of firearms by professional criminals, which might well lead to our having to arm the police, and a prospect of gun battles, as in America. Thus in the 1948 debate in the House of Lords, Lord Simon said:

> I, with some knowledge of the metropolitan police, would deplore bitterly the idea that we were likely now to have a police force in this country whose members go about carrying lethal weapons.

Lord Teviot said:

> If capital punishment is abolished it will be necessary to take into serious consideration the question of arming our police.

Lord Schuster said:

> I, for one, do not feel inclined to take part in an experiment which may be at the expense of the lives of every policeman and every warder in the country.

I point out that I should not like to have capital punishment abolished if it were to be at the expense of our Police Force, for I consider the force highly, indeed, and I know that it is highly respected in the eyes of most people in this State.

Mr. Clark: You wouldn't support the Bill if you thought it would have that effect.

Mr. HUGHES: No. It is not my opinion (nor is it the opinion of others) that the abolition of capital punishment would be at the expense of our Police Force. The quotation continues:

Such arguments ignore the fact that recent violent crimes and murders took place despite the death penalty. The argument that the abolition of capital punishment would lead to the increased use of lethal weapons, particularly firearms, by the professional burglar is necessarily based only on opinion. It is not borne out by the experience of other countries. It ignores the obvious disadvantage to the criminal of a practice which increases the risk of detection. It overlooks the fact that burglary with firearms is normally punished by a longer sentence of imprisonment than burglary without arms. It is misleading to say that the abolition of the death penalty would rank murder on a level with burglary and blackmail, for while the law allows life sentences to be pronounced as a punishment for many lesser crimes, in practice this is very rare, and the professional criminal dreads the very long sentence. The suggestion that criminals will shoot when they no longer fear execution can be balanced by the equally valid suggestion that under present conditions the fear of execution will make any murderer who is in danger of arrest more likely to shoot to avoid capture. Such arguments both ways are necessarily mere conjecture. The question is one which can only

be decided by looking to see whether, in countries as diverse as those in which capital punishment has been abolished, abolition has, in fact, as opposed to theory, resulted in professional criminals carrying firearms or not. As Lord Buckmaster said to the Select Committee:

> I should have thought that those who brought it forward should justify their opinion by pointing out whether, in the countries where capital punishment has been abolished, burglary being universal, the burglars have taken to carrying pistols or not. It is a matter which should be tested by facts, and I have never seen a case quoted showing in any such place where capital punishment was abolished from that date burglars went about armed.

The question whether, in practice, as opposed to theory, the abolition of capital punishment has this result was carefully studied both by the Select Committee and by the Royal Commission. It just does not happen. The Select Committee heard numerous witnesses from the police and prison authorities in those countries which had abolished capital punishment, and without exception they said that experience had shown that abolition had not in fact led to an increase in the carrying of firearms by professional criminals. The only countries on the Continent where professional criminals tend to be armed are France and Spain, which are the only ones which retain capital punishment. The Chief Public Prosecutor of Brussels said to the Select Committee:

> The younger generation of burglars are more frequently armed than the older generation of burglars, but this new tendency of the younger generation has nothing to do with the abandonment of the death penalty, as this new fashion of being armed has only grown up half a century after the death sentence has been practically abolished. This new fashion of young burglars being armed seems to come from France. It seems to be a copy of what the young French burglars do. You must not forget that in France the death penalty is exacted.

In the United States the carrying of firearms is most prevalent in those States which retain capital punishment, and where it is in most constant use. The conclusion of the Select Committee expressed in their report was:

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

The Royal Commission, who themselves visited Norway, Sweden, Denmark, Belgium, Holland and the United States to find out for themselves on the spot what really happens when capital punishment is abolished, referred in their report to apprehensions on this point which had been expressed by police witnesses in this country and said:

> We received no evidence that the abolition of capital punishment in other countries had in fact led to the consequences apprehended by our witnesses in this country.

After two long and careful independent inquiries into the facts, there is no longer any rational ground for maintaining the punishment of death from a fear, contradicted by all experience, that abolition would result in an increase in the carrying of firearms.

Mr. Speaker, after reading the evidence put before the Select Committee and the Royal Commission, and their findings, it leaves me somewhat at a loss to understand the reasoning of both Mr. Justice Byrne and Mr. Justice Humphreys, particularly when no evidence had ever been established that where the death penalty had been abolished there had been an increase in crime due to abolition. Lord Keith expressed the opposite view to Mr. Justice Byrne and Mr. Justice Humphreys. He said he would retain the death penalty for all premeditated murders, for all murders committed in the course of committing another crime, and for all murders committed by someone already convicted of murder. At least Lord Keith was consistent in his opinion.

The late Lord Cooper attached the utmost importance to the retention of the present law. Capital punishment, he considered, was a most valuable deterrent against crime of the gangster type, and an indispensable safeguard for the protection of society. I have drawn the attention of the House to the opinions of these various learned men because I want to be able to show that despite what these men had to say about capital punishment being a deterrent time proved that they were wrong, and they were prepared to admit it.

Apparently at last the House of Lords is prepared to alter its line of thinking on capital punishment. The truth is not easily accepted by those to whom it seems contrary to reason. In the past the majority in the House of Lords refused to entertain the evidence about the statistics from other countries. It preferred its own ideas about what was evidence. To my lay mind that is not evidence; it is opinion. It is a valuable opinion but it is not evidence.

At long last it appears that the House of Lords has considered with an open mind abolishing the death penalty and is prepared to accept the experience of abolitionist countries. Members of the House of Lords may shortly find themselves echoing these words of Mr. Justice Donovan:

I listened with care and attention in order to detect, if I could, that differentiating factor in other countries which would make even a trial of this experiment unsafe in this country. I am bound to say I did not hear it. I heard a good deal of generalization about how different

those countries were in climate and outlook, and how there were no large cities with slums—which, in fact, is not the case, because there are large cities with slums in Belgium and in Switzerland. As one of those people who are not swayed by emotions on this matter, how can I decide, when the universal experience of mankind, wherever capital punishment is abolished or suspended, is that murders decrease, that I must vote against a similar experiment being tried in this country.

I believe a similar experiment will now be tried in England and that the judges and others will be proven wrong, as the judges were in the last century for lesser crimes. The experiment will show that capital punishment is not a deterrent to crime and that the crime rate will not increase upon its abolition.

Capital punishment for murder has been abolished in many countries overseas—Austria, 1950; Denmark, 1930; Finland, 1949; Holland, 1870; Italy, 1890 (restored in 1931 on the ground that its absence was inconsistent with Fascist philosophy, but abolished again in 1948); Norway, 1905; Portugal, 1867; Sweden, 1921; and Switzerland, 1942. Several South American countries have abolished it, as have several States of the United States of America. In its report, the Select Committee of 1929-1930 said:

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

Mr. Speaker, this claim was further substantiated by the Royal Commission of 1949-53. No Royal Commission set up for this purpose could have exceeded the trouble taken to ascertain the true facts. They sent out a questionnaire to the appropriate Governments and obtained the basic facts from them. They heard witnesses from other countries, and then went to Norway, Sweden, Denmark, Belgium and Holland, where 38 witnesses presented evidence. They visited the United States, where evidence was taken from a further 41 witnesses for and against abolition. They were not content just to ascertain whether abolition had been followed by a rise in the number of murders. They checked in each case the effect on any current trend, because it might have been the case in some country that, although abolition had not been followed by any increase in murders, a decreasing trend at the time of abolition had been found to have been arrested on abolition.

They checked the facts in a second way. As honourable members know, some countries have abolished capital punishment and then restored it. The Royal Commission was at pains to see whether there was any case in which capital punishment had been restored because abolition had been followed by an increase in murder. It ascertained, too, whether its reintroduction had been followed by a fall in murders because, when capital punishment is suddenly restored with a good deal of publicity, it might be expected to have a peculiarly deterrent effect. The Royal Commission checked the cases of New Zealand and Italy. Honourable members know that, in New Zealand, capital punishment unfortunately became a matter of Party politics, one Party abolishing it and the other restoring it upon a change of power. Italy abolished it in 1890 and then, because of Fascist philosophy raging in the early 1930's, restored it to be consistent with the philosophy expounded in that country at that time. It was again abolished in 1948.

The Commission, after checking for a third time facts applicable to adjoining States of similar population and economic and social conditions—one a hanging State, the other having been without the death penalty for a number of years—found that, while the homicide rate in proportion to the population goes up and down, if it goes up in the State that has abolished the death penalty it goes up in the State that has not and that, if it goes down in the latter, it goes down in the former. Having taken exceptional trouble to make sure that they had got before them the fullest possible information on what really happened when the death penalty for murder was abolished, including their own inquiries made on the spot, the members of the Commission reported:

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

Mr. Speaker, in view of the facts I have submitted, thanks to Gerald Gardiner, I fail to see how the advocates of the retention of the death penalty can argue that its retention acts as a deterrent. And further, if the average number of executions for the last century in Australia was examined closely, they would find that capital punishment could no longer be classed as a deterrent. I do not intend to labour this matter further, because I was advised by the member for Albert (Mr. Nankivell) at the dinner adjournment, "If I were you, I should not labour it too hard because I shall vote for it and other members of the Opposition will vote for this Bill." In view of that, I conclude by congratulating the

Cabinet, and particularly the Attorney-General, on introducing this legislation, which I have much pleasure in supporting.

Mr. SHANNON secured the adjournment of the debate.

HARBORS ACT AMENDMENT BILL.

Second reading.

The Hon. C. D. HUTCHENS (Minister of Marine): I move:

That this Bill be now read a second time.

It amends the Harbors Act, 1936-1962, and its object is four-fold, namely:

(*a*) to provide that a signal shall be displayed within 10 miles of a pilot boarding station;

(*b*) to provide that the board may make regulations increasing the statutory limit in respect of harbour improvement rates from 1s. a ton to 5s. a ton;

(*c*) to enable the board to levy a harbour improvement rate upon particular goods (rather than all goods) shipped from any specified port;

(*d*) to enable the board to acquire and dispose of certain Crown and other lands which are not included at present in the Fourth Schedule to the principal Act.

Clause 3 amends section 90 of the principal Act. This section provides that the pilot signal must be displayed when a vessel is within 10 miles of any port. An anomaly has arisen as a result of the wording of this section in that at Port Augusta a vessel 10 miles from port limits is already in compulsory pilotage waters. To remove this anomaly the board has recommended this section to be amended to provide that a pilot signal must be displayed within 10 miles of a pilot boarding station. Clause 4 amends section 127 (1) of the principal Act which provides that regulations may be made in respect of harbour improvement rates not exceeding 1s. a ton. In view of the fact that the cost of construction and maintenance at the present time bears no comparison with the cost prevailing at the time this Act was passed in 1936, the board has recommended that the statutory limit of 1s. a ton be increased to 5s. a ton. The second amendment inserted in this clause also amends section 127 (1) by adding the words "or any" after the word "all" therein. The insertion of the words "or any" would have the effect of enabling the board to decide upon which goods in a particular case harbour improvement rates shall be levied. As the subsection now stands the board is bound to levy such rates upon all goods which are discharged or shipped from any specified port. This may well operate inequitably. For example, it is proposed at Port Lincoln to build facilities for the landing of fish and the exporting of tuna and meat. It may happen that the board would have to impose a harbour improvement rate to meet the cost of providing such facilities, and this rate would under the existing provisions have to be imposed on all goods shipped from that port including, for example, wheat. The insertion of the words "or any" would permit the board to impose a rate only upon the particular goods for which facilities are provided, that is, upon tuna and meat.

Clause 5 amends the Fourth Schedule to the principal Act, which defines the areas of land in the hundreds of Port Adelaide and Yatala which the board is empowered by section 71a of the principal Act to acquire either compulsorily or by agreement and to dispose of such lands when they are no longer required. Difficulties have arisen regarding lands which the board has available for disposal for industrial purposes in the Gillman area. These lands cannot be sold to private companies since they include pieces of Crown lands which are not mentioned in the Fourth Schedule to the principal Act. The Director of Lands has agreed that these pieces of Crown lands can be made available for sale by the board. The board has, however, been advised that under existing legislation it cannot obtain a land grant free of trust in respect of such Crown lands. As a result the board is unable to give purchasers the titles they require, and therefore the transactions cannot be completed. Similar difficulties are expected to occur in respect of Crown lands and certain other lands in the areas which the board now has or ultimately will have for disposal on Le Fevre Peninsula and in the Upper Port Reach area. These problems could be overcome by amending the Fourth Schedule to the principal Act so as to include all Crown and other lands with which the board is likely to be concerned. The amendments to Parts I, II and IV of the Fourth Schedule of the principal Act define the areas *en bloc* by means of metes and bounds. These definitions have been approved by the Surveyor-General.

Mr. COUMBE secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 19. Page 2218.)

Mr. QUIRKE (Burra): I have examined this Bill carefully and I find that, had I not lost my guernsey at the last election, I would have been introducing the same measure. The amendments are required in order to expedite land transfers and to bring some sections of the Crown Lands Act up to date. Over the years land transfer methods have developed an ultra conservatism that I suppose was meant to guarantee the transaction itself. The procedure was extremely cumbersome, whereas the proposed method, which is just as safe, short circuits the earlier system. For instance, if it is necessary for the Commonwealth Government to acquire land compulsorily in South Australia, under the present system it is necessary that such land be first offered to the public. That did not mean a thing because in the end such land eventually goes to the Commonwealth.

New section 6b enables the transfer of mineral rights of any Crown land that is transferred to the Commonwealth. With another form of lease of Crown lands that did not involve compulsory acquisition a separate transaction was necessary to transfer the mineral rights but under the Bill such transfer of mineral rights would be more or less automatic. New section 228b enables Crown land to be sold at reasonable prices to certain corporate bodies, such as the War Service Homes Commission and the South Australain Housing Trust. At present such land must be offered at public auction, and it is a long winded method. The Housing Trust may require 100 blocks of land at Whyalla, and under the new provisions those blocks can be made available to the trust at the prices fixed by the Land Board. The only difference will be that a direct transaction will be possible when dealing with such bodies as the Housing Trust or the War Service Homes Commission. When Crown land in Whyalla or in other towns has been sold, the sales have always been on condition that the purchasers build houses to a certain value within a certain time. That has led to many difficulties, as the Minister of Lands must appreciate by now; they were well known when I was Minister. Although people had the best of intentions, they fell by the wayside and were not able to do within three years what they contracted to do in that time when they bought the land. We continually broke the law by granting extensions when there was no power to do so.

The Hon. G. A. Bywaters: We still do it.

Mr. QUIRKE: Yes. No Government would want to deprive people of the land and to take the deposits that they had paid (repayment of deposit was not provided for) merely because they were not able to do something within three years but might have been able to do it in four years. However, the law at present says that that shall be done. Contracts are made with people when they undertake to build houses, shops, or something else. This is a far better provision than that in the present legislation.

At one time, when land was resumed, it was necessary to cancel the grant or lease and issue another lease. However, this Bill provides for the transferring of the original lease in certain circumstances, and that is a desirable arrangement. The Bill will simplify the administration of the Act, and I support it.

Bill read a second time and taken through its remaining stages.

EXCESSIVE RENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 2511.)

Mr. MILLHOUSE (Mitcham): The Excessive Rents Act of 1962 replaced the old Landlord and Tenant (Control of Rents) Act which was allowed to lapse at the end of 1962. This was a good thing. Indeed, for a long time I had been trying annually to persuade the Government to do that. In 1962, I was delighted that the then Premier said in his speech, far more eloquently than I had been able to do, all the things I had been trying to say for a long time. When the Bill for the Excessive Rents Act was introduced in that session the then Opposition moved some amendments to it and, if my recollection is accurate, some of those amendments were, in fact, inserted in the Bill. However, in 1963 the member for Norwood (now the honourable and learned Attorney-General) introduced an amending Bill in this House. That Bill was, in fact, passed in this Chamber without a division but met an ignominious fate when it went to another place to be turfed out quite unceremoniously.

Mr. Lawn: We ought to turf them out, too!

Mr. MILLHOUSE: We shall not debate that at this stage. I remember that the other Chamber did, in fact, defeat the second reading. The member for Norwood was a nympholept—

Members interjecting:

Mr. MILLHOUSE: Surely, that is a well-known word. I just learnt it myself, actually. The late Mr. Frank Villeneuve Smith, K.C., made it a rule to try to learn one new word every day. Having been looking through the dictionary, I happened to see this word and thought I would use it.

Mr. Coumbe: Does it adequately describe the Attorney-General?

Mr. Clark: Would you mind telling us just what it means?

Mr. MILLHOUSE: The honourable member for Gawler having been a schoolteacher, I am surprised.

Mr. Quirke: I don't think you know what it means.

Mr. MILLHOUSE: I do. I have the dictionary in front of me. A nympholept is a person inspired by violent enthusiasm, especially for an ideal. Surely, nothing else would describe the Attorney-General better than that does.

Mr. Clark: It usually means rather shady ideals, though.

Mr. MILLHOUSE: It does not say that here; I hope it does not mean that. It was not meant to. During the debate in 1963 the Attorney-General said he could see no reason why the court could not review all rents in South Australia, and it is not surprising, therefore, that the Government is now trying again to include in the Excessive Rents Act the provisions that were passed by this House in 1963 but defeated in another place. I must say, though, that it is doing this under the guise of trying to remedy an evil which the Minister says—

The Hon. D. A. Dunstan: Undoubtedly exists!

Mr. MILLHOUSE: —has arisen since the Bill was passed in 1963. Apparently, the scheme has been worked out since then, and under the guise of remedying the other provisions we failed to include in 1963.

The Hon. D. A. Dunstan: We saw the necessity for it then.

Mr. MILLHOUSE: With respect, that does not matter, because I do not oppose the second reading of the Bill. However, I desire to make one or two comments on it. First, under the present Act premises that are subject to a lease of one year or more are exempted and outside the Act. The amendment proposed in the Bill will exempt only premises that are subject to a lease for three years or more so that far fewer premises will be outside the ambit of the Act than there are at present. This is being done by cutting out the second part of the definition in the principal Act of letting agreement and inserting in lieu thereof new section 4a, which has two subsections. I have my reservations about the second subsection which reads:

> Where a letting agreement is made as a consequence of the tenant having received from the landlord a notice to terminate a letting agreement to which this Act applies or having received a threat from the landlord to terminate any such letting agreement, this Act shall apply to such firstmentioned letting agreement.

What the nature of the threat would be, how it would be proved and so on I do not know. I do not think this is in a satisfactory form. However, as wording much the same appears in the part of the definition that is to be excised, I suppose I cannot complain too much about it.

My next point is that section 14 of the principal Act provides that any contract or arrangement whether oral or in writing the purpose or effect of which is either directly or indirectly to defeat, evade or prevent the operation of this Act shall be null and void, and that language is reproduced and expanded in new section 15a, which is being inserted by the Bill. I wonder whether section 14, as it stands, is not really wide enough to catch most of the evils that are referred to in the second reading explanation. I should have thought that it was but the Government, in its wisdom or otherwise, is, by new section 15a (3) expanding the provisions of section 14 in the following manner:

> (3) Where, having regard to the matters specified in section 8 of this Act and to all amounts paid by the purchaser and any amounts paid by the owner pursuant to the agreement, the court is satisfied—
>
> (*a*) that the purpose or the effect of the agreement is either directly or indirectly to defeat, evade or prevent the operation of this Act—

that is substantially the wording in section 14—

> or of Part VII of the Housing Improvement Act, 1940-1961; or—

that is the new introduction—

> (*b*) that the agreement is harsh or unconscionable or is such that a court of equity would give relief to the purchaser,

the court may, by order, set aside the agreement on such terms and conditions as the court thinks fit and may take an account between the purchaser and the owner.

That expands the present provision. One point about this that probably has not occurred to the Government is that new section 15a (3) (*b*) purports to import into this matter the rules of equity. I am not much of an equity lawyer (and that is being charitable to myself), and I do not know, therefore, just how a court

would construe the words "harsh or unconscionable or is such that a court of equity would give relief to the purchaser". I do not know how wide that is. I do not reflect upon the honourable and learned Attorney-General's knowledge of equity.

The Hon. D. A Dunstan: You can.

Mr. MILLHOUSE: Well, I shall say, if I may, that I do not think it is much better than mine. I invite him to say, if he can, what he thinks this means, because it does seem extremely wide. Another thing (and I think perhaps the Government has not realized this) is that under the principal Act the court of competent jurisdiction in this matter is the local court of full jurisdiction nearest to the premises in respect of which an application is made under the provisions of this Act, so that the court referred to in this new section is the local court of full jurisdiction. As the Attorney-General knows, under the Local Courts Act the only person with jurisdiction in equity is the Local Court Judge in the Adelaide Local Court.

Under this provision, we are investing all local courts with a measure of equitable jurisdiction, or, if it is not a measure of equitable jurisdiction, we are inviting them to decide the matter pursuant to the rules of equity. These are rules which the learned special magistrates who make up the local courts do not exercise in any other case and with which they may not be familiar. I do not know whether it was intended that local courts should exercise a *quasi* equitable jurisdiction in this matter when they cannot and do not exercise such a jurisdiction at any other time. I suspect that this may be a slight slip of drafting. That is perhaps a lawyer's point, but I do not know how wide that particular provision is.

The only other matter I wish to mention is new section 15a (2), which is really the nub of the Bill. I was checking on the meaning of "nub" when I came across the word "nympholept". I knew the meaning of "nub", but I checked to see that I was using it in the right sense. New section 15a (2), which is the substance of the Bill, provides:

Where, pursuant to an agreement in writing whereby a person has agreed to buy from the owner thereof a house declared to be substandard pursuant to a declaration in force under Part VII of the Housing Improvement Act, 1940-1961, such person has entered into and remained in such house but has not yet become the owner thereof, such person, or the South Australian Housing Trust acting on his behalf, may apply to the local court for an order granting relief from his obligations under that agreement in accordance with this section. The South Australian Housing Trust shall have power to make any such application.

There are two points here; the first is that I presume that as a matter of construction this will apply only to premises that have already been declared under the Housing Improvement Act at the time when the agreement for sale and purchase was entered into. I think that is the correct construction; I hope it is, because it would obviously be unjust if the agreement for sale and purchase were entered into and subsequently an order were made under the Housing Improvement Act, as that would then interfere with contractual rights that had been established on another basis. However, I do not think the latter is the correct construction of this provision. The new importation into this subsection is the power given to the Housing Trust on behalf of a person (the purchaser) to take proceedings. This makes the Housing Trust into a sort of big brother, I suppose. I remember that in 1962 there was much talk about all the good things that the Prices Commissioner was going to do, and how he was going to help people if litigation was necessary under this Act. Whether or not that fell through I do not know, but I presume that the Government feels it is better that the Housing Trust should have a guernsey rather than that the Prices Commissioner should interfere. Yet, it seems strange to me that a person who is too fearful to go to court himself may be helped or may have his position taken over as a litigant by the Housing Trust. That is something quite new, and something that, as far as I know, is a novelty in any Act in South Australia. I am not sure that I altogether like it; certainly, I have some reservations about it. I hope that the honourable and learned Attorney-General will deign to say something from his lofty pinnacle about this in a few minutes. I do not know whether it will be necessary for the Housing Trust to prove that it is acting on behalf of the person. If it is so, how will it prove it, or does the last sentence in the subsection give it power to act without having to prove that it does so on behalf of the aggrieved person, who is too timid to take proceedings himself?

I should like to mention one or two other things. One is that this provision gives responsibility to a local court to write a new agreement, indeed an agreement of a totally different kind, and to substitute a tenancy agreement for an agreement for sale and purchase. That is the effect of it. It is asking much of the court to do that. However, we can see

how it works, if it works at all. If it does not, I suppose we can turn to some new scheme. New section 15b deals only with the question of costs, providing:

No costs shall be allowed in any application under this Act unless it appears to the court that the conduct of a party in bringing or resisting the application or in relation to the subject-matter thereof has been unreasonable, vexatious or oppressive.

This is cutting across the normal rule that costs follow the event, but there may well be some justification for it, and I do not argue about it. New section 16a, which will prohibit interference with the use and enjoyment of premises, is, I think, in the same terms as that drafted by the member for Norwood (as he then was) in 1963, when it gained the approbation of the House. So I cannot really say much about it. With those few queries in my mind, which I should like the honourable and learned Attorney-General to answer in due course, I am happy to express my support for the second reading.

The Hon. D. N. BROOKMAN (Alexandra): Briefly, let me say that I have not examined this Bill as closely as I should have. I have been more than confused by the changes that have taken place in the Notice Paper in the last few days, and particularly today. The second reading explanation of this Bill was given only on November 2, whereas many Bills have been on the Notice Paper for a long time. We are probably a little unprepared on this Bill. However, what I have seen of it does not please me, although I am as sympathetic as any other member regarding substandard housing conditions. I think the fact that I supported over many years landlord and tenant legislation until it was found appropriate to remove that legslation should be evidence of the fact that I have every sympathy for the tenants of substandard houses. However, try as we might in this House and in legislation elsewhere we cannot prevent people from doing foolish things; as often as we can we bring in laws to prevent them in some way from perhaps signing things that in their own interests they should not sign, but they find (or someone else will devise for them) means by which they tie themselves up in an unwise way.

I know that it is easy to criticize. People who are desperate will always be inclined to question less critically the agreements into which they enter. However, as I understand it, this Bill purports to interfere considerably with written agreements, and therefore I think it needs close examination by this House. Some of the agreements to purchase referred to in the Bill may be bogus, but most agreements to purchase are not bogus, yet the Bill suddenly widens the principal Act to make it applicable to all agreements to purchase. If my interpretation is correct, as I think it is, all agreements to purchase can be questioned under this legislation.

Mr. Millhouse: Only if an order is made under the Housing Improvement Act.

The Hon. D. N. BROOKMAN: I am not quite clear who makes the order. A person may agree to purchase a house and then think better of it and try to get out of the agreement. If that is a bogus agreement, as has been suggested, possibly we should try to rectify it. However, in any event the vendor is subject to further scrutiny, after having come to what may be a perfectly honest transaction, and I do not know that that is a fair thing. So far as I can see, in this amending Bill the South Australian Housing Trust becomes the authority to bring these purchases once again under scrutiny. In the circumstances, I believe that we have a duty to see that we are not upsetting many honest transactions simply in order to get at some which we believe are not honest. Let me make it clear that I do not want to confuse this matter with substandard houses. There are methods of dealing with them, as well as with slum clearance, and they are being carried out all over the world. Incidentally, our Housing Trust has done much to improve conditions in South Australia. However, we still have a long way to go, as do other places, and I do not know that this Act will make much difference. It will not provide new accommodation for anybody, as it only reviews some transactions already agreed upon. I may have been a little hasty in criticizing the Bill, but, as I pointed out earlier, the Notice Paper has been altered so much that there has been only a short time to examine this measure. I have not been able to give any consideration to it until tonight and in the circumstances I ask leave to continue my remarks.

Leave granted; debate adjourned.

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 2512.)

Mrs. STEELE (Burnside): A few moments ago the Deputy Leader of the Opposition had his newspaper open and on the centre page I saw the title of the leading article, which was "Clear out the slums". This followed a

"spread" article in the centre of the same newspaper yesterday that featured this subject, and it was no doubt prompted by the introduction of the Bill to amend the Housing Improvement Act. When the Premier sought leave to introduce this Bill I thought the reason was that the Government intended to initiate a scheme to eliminate slum areas in Adelaide. When I obtained the adjournment in order to examine this Bill I realized that the intention could not be as I thought because the first thing that the Premier sought was, following the recommendations of the Chairman of the Housing Trust, the conferring upon the housing authority of power to purchase land. This at once indicated to me that the Bill had nothing to do with the clearing of certain areas of substandard houses. Section 34 of Part IV of the Act, which deals with the clearance of such areas, gives this power of compulsory acquisition of land to the Housing Trust.

The Hon. D. A. Dunstan: That is for clearance areas.

Mrs. STEELE: That is what I said. If it relates to a clearance area the housing authority has power under the section to acquire the land. However, the object mentioned by the Premier comes under Part II, section 16 (*b*), which has nothing to do with slum clearance at all but simply gives the trust power to buy land. The Auditor-General's Report for this year shows that the land held by the trust for all purposes at present is valued at £6,736,000, so it does not appear that it needs further land or that it is hampered by not having land at its disposal.

Therefore, this Bill simply seeks to give to the trust a straight-out power to buy or acquire land. I do not agree with that. I shall move in Committee to delete the words "or otherwise acquire". I see no reason why the trust should have this specific privilege, because it has power now to buy on the open market wherever land is available, and this seems to be fair. There may be occasions when, for some specific purpose or special reason, it wants certain land, but those cases should be dealt with on their merits.

The point is: what is the Government's purpose in introducing this Bill, the objects of which have been explained by the Premier? It appears to me to be retrogressive legislation, because it seeks mainly to reimpose controls on the rentals of substandard houses. In the post-war years, those controls were gradually relaxed, with the approval of both Parties and both Houses. This is shown by the reference in the explanation of the legislation to two Acts, one of which, the Landlord and Tenant (Control of Rents) Act, has lapsed. Yet, some of the conditions that were allowed to go out of existence several years ago are being resurrected.

It may be a good thing if we look for a moment or two at the original Act, and see what it set out to do. That legislation, which was introduced 25 years ago, was divided into a number of Parts. Part I was the definitive Part, Part II was concerned with administration of finance provisions, and Part III dealt with the improvement of substandard housing conditions, in conjunction with local municipalities and local boards of health. The original plan, of course, was to tackle housing improvement in association with these bodies. The local boards of health had power under the Health Act to declare any building unfit for human habitation, to insist that it be repaired and altered, or to prevent use of such a building as a dwelling unless the requirements were complied with.

The Building Act gave the municipal and district councils power to insist on the repair of neglected structures. These powers were all right as far as they went, but they did not go far enough and, as a result, thousands of houses were hopelessly substandard. This legislation introduced in 1940, constituted the Housing Trust as the authority empowered to deal with substandard housing and to collaborate with the local boards of health and the councils. The Housing Improvement Act empowered the housing authority to make a survey and, after proper consideration, to declare any house investigated by it either as undesirable or unfit for human habitation. It could then serve notice on the owner, and on any registered mortgagee of the land on which the house was built, of its intention to declare the house substandard, and the owner or mortgagee had one month in which he could make representations to the housing authority, and gazettal of the fact that the house was substandard was then proceeded with. This, I understand, is today's practice.

The owner or mortgagee had the right of appeal to the local court of full jurisdiction nearest to the house, and that court had the power to make the decision on the appeal, which was final and conclusive. After the expiration of one month from the gazettal that the house was substandard, or following the determination of the appeal, if any, made to the court, the housing authority could fix both the classification of the house and the maximum

weekly rental, endeavouring to fix uniform rentals for houses in similar conditions in the same locality. This depended on a number of factors such as drainage, sanitation, construction, size of house and of rooms within the house, adequate water supply, and cooking facilities, and the standards had to conform to the generally prescribed standards of sanitation and hygiene. If a property were declared substandard and the owner was unable to effect the repairs that the housing authority insisted upon, the housing authority had power to advance money by way of loan to the owners of these declared substandard houses for the purpose of bringing them up to the required standard. In this way many owners were able to repair and to improve their properties, and were thus able to have removed from them the stigma of being declared substandard under the Act.

We have to realize that there are good and bad landlords, and that there are good and bad tenants. We also have to realize that many people owning property today (and this type of property is the concern of this Bill) are not in a much better position than the tenants. Tenants can do tremendous damage to other people's property, and this can be seen by inspecting some areas in which substandard houses are to be found. It is not a question of damage only to houses, but there is an accumulation of rubbish, and with neglect the place deteriorates, leading subsequently to the house being declared substandard, with a definite deterioration in the value of the property. I should like to discuss the points raised by the Minister when explaining this legislation. I have already dealt with the conferring of power to purchase land or acquire land, as this was the first objective referred to.

The second objective is "to oblige any landlord or his agent, who receives rent in respect of a house to which Part VII of the Act applies, to give a receipt for such rent". I do not think anybody can quibble over this provision, because it is the right of any person to receive acknowledgment in the form of a receipt for any money he pays out. Indeed, it is a common business practice, and I therefore consider that the landlord or his agent is just as much obliged to give a receipt to the tenant (whether it be in the form of a receipt or of an entry in a rental book) as is anybody else who receives money for, say, a service or goods. This is an entirely legitimate provision.

The third objective of the Bill is to make it an offence "for any person to interfere with the use or enjoyment of the premises by the tenant". This, too, is a proper provision, as long as reciprocal rights are given to the landlord to enter his property.

The fourth provision confers "power upon the housing authority to direct the landlord to display on a notice or placard in the house the amount of rental fixed by notice under Part VIII". I disagree with this most reprehensible provision; it seems to hark back to the middle ages, and, indeed, is more humiliating to the tenant whom it seeks to protect than to the landlord who is obliged to comply with the provision. It is almost sadistic from the point of view of the tenant. I was reminded today of the fact that it was once suggested that margarine should be coloured differently from butter to distinguish it from the real article. That is similar to this situation, for, if a person went into the house of somebody who could afford to eat only margarine, the moment it appeared on the table he could well infer that his unfortunate host could afford only margarine.

Mr. Millhouse: Be careful of the member for Onkaparinga!

Mrs. STEELE: I am using this only as an illustration, but I certainly could not agree to this provision. The next provision, relating to clause 6, is "to give protection to a tenant from eviction when the landlord learns that it is intended to declare the house to be substandard". I have ascertained that the court will uphold an order to quit if it is satisfied that it is in no way associated with the notice of the housing authority of its intention to declare the house substandard, and if it is also satisfied that the notice to quit arose because of the default in paying rental, as arranged in terms of the agreement between the landlord and tenant. However, it has to be established that notice to quit was given before the landlord knew of the housing authority's intention. I believe that the provision in clause 6 is fair. The last objective of the Bill is to impose a duty on the vendor of a substandard house to disclose that the house was substandard, etc., to a prospective purchaser. Again this seems to me to be sound commonsense and should be provided for in the Bill to protect tenants. Therefore, I believe that answers the various objectives of the Bill put forward by the Minister in his second reading explanation.

In view of the announcement in this morning's *Advertiser* regarding the curtailment of the Housing Trust's building programme, and following the suggestion made that some of the rents for substandard houses were about a minimum of £6 a week, I could

not help thinking, as I read the article, that many of the houses that could have been built with the money that is now not forthcoming for the trust to spend on houses in South Australia could, of course, have been of great help in relieving some of the cases in areas where there are many substandard houses. A rent of £6 is fairly large. I forget what rent the trust charges; it depends on the size of the house. It seems to me that these two matters coming together as they do indicates that this was money that could well have been spent to alleviate just the types of house with which the Bill is concerned. I support the Bill but I will move to amend one clause during the Committee stage, and I shall refer to one or two other matters at that time.

Mr. LANGLEY (Unley): As I represent an inner suburban area I welcome the Bill, which will help older people and those in rental houses. Over the years many rental houses have deteriorated but instead of rents being fixed commensurate with this deterioration it has been found that they have increased greatly, and people under duress have found that they have had to move into substandard houses. These houses can be found in Unley, Norwood, Hindmarsh, and parts of North Adelaide, and people have been living in them under poor conditions for many years. Recently the press showed the appalling state of some of the houses in which people are living. Surely the Bill will enable people to live in better types of house. Over the years trouble has been caused by people, even though they are living in substandard houses and under lease, being reluctant to leave these houses.

The Attorney-General referred to a case where a roof was taken off a house to make sure that the people would leave. They had nowhere else to go but as they moved around they found that they could get a house not much better for £1 or £2 more than they had been paying. Another instance was when water was cut off in a house so that the people would have to leave. Even when the tenants went to the local court, no action was taken. Even though these people were good tenants who paid their rent regularly, the unhygienic conditions made living in this house intolerable. This happened in the Unley area, and eventually the people had to leave the house. The landlord was then able, without improving the house, to let it to someone else at a far higher rental.

We all know there are good and bad tenants just as there are good and bad landlords, but these practices must be stopped. If this Bill is passed, people will know that they will have to improve houses before they can charge higher rents, and as a result housing will improve. When conditions in a house become intolerable people must shift to places for which higher rents are charged. I believe the Bill will cover this type of thing, which is prevalent in the Unley area.

Mr. COUMBE (Torrens): This Bill has some merit. I, like the member for Unley (Mr. Langley) and the Attorney-General, have some slum or near-slum areas in my district, and I have had considerable experience in dealing with some rather undesirable occurrences. I believe some of the provisions in this Bill are worthy and should receive the support of this House. However, I should like to have further information on one or two things. The measure places an obligation on a landlord who receives rent in respect of a house to give a receipt, and nobody can quibble about that. Usually this is done by means of a rent book, but malpractice comes in here and the tenant either is not given a book or it is taken away from him. I agree that this provision is desirable so that the tenant is protected by having a receipt available, even if it is by means of a rent book.

Another provision of this Bill deals with interfering with the use and enjoyment of premises. All of us (at least, those in the metropolitan area) have known of landlords who have tried unfairly to make things so uncomfortable for their tenants that they simply must get out. I, like other members, could recount innumerable things of this nature, but they are not always the fault of the landlord. I only hope that the implementation of this clause will not impose additional hardship on the genuine landlord who desires to have recourse to his property for his own or his family's use or to be quit of unsatisfactory tenants who abuse the property. We have seen instances of this in the past.

This Bill could work to the advantage of most tenants and landlords. I commend the measure, as I think it is worthy legislation that will take care of the things which, when the Landlord and Tenant (Control of Rents) Act was debated on many occasions, were cited by both sides as the most contentious parts of the legislation. Many abuses were perpetrated under this section.

The next provision I refer to deals with a notice being displayed to indicate the rent that has been fixed. There may be some special reason for this; I think I understand what it is, although it has not been explained by the Minister. This could be a little petty by itself,

although those who recommended it as a provision no doubt had a good reason. When replying to this debate, the Attorney-General should explain one of the main reasons, because, in practice, the purpose of this provision may be defeated since some tenants may object to this notice being displayed in, say, the front porch of their house. They may not feel happy about their neighbours coming in and seeing this notice displayed. Some jealousy may be engendered between tenants of similar types of house with the same owner. One person may say to another, "Why should you be paying only 30s. a week while I am paying £2 10s.?" This may be petty but the Attorney-General may be able to explain it. I agree with the provision protecting a tenant from eviction before a house is declared substandard. I had some 11 years on a local council in the metropolitan area and this type of thing was continually creeping in. The council and the local board of health were often asked to declare a house substandard, and in many cases hardship was caused not only to the landlord but also to the tenant. I have seen advantage taken of the tenant by the landlord under this section. Definite hardships have been caused to purchasers of property by the non-disclosure of the fact that the house had either been declared substandard or was about to be. I support this provision.

I come now to what is probably the main clause of the Bill, that dealing with the acquisition of land by the Housing Trust. I see that this has been recommended to the Government by the Chairman of the trust. If we look at the Housing Improvement Act of 1940, we find that the authority (the trust) has the power, under Part IV, section 33 (5) (*b*), compulsorily to acquire land now. That section deals with clearance areas. It has rarely been implemented. This was written into the original Act to furnish the trust with the power to declare a certain area substandard and, that having been done, it could then become a clearance area prior to its being cleared by slum demolition and becoming a new housing area. I raised this question some years ago in this House when speaking from the opposite side of the Chamber, urging the trust to consider closely this power whereby some of the slum areas in the inner metropolitan area (there are many in my district and in that of the member for Hindmarsh) could advantageously be treated under this section of the Act. To my knowledge, very little work has been done under this section. I doubt whether it has ever been applied. I point out to the member for Unley, with whose sentiments I agree, that the passing of this Bill will not mean that at once we shall see wonders occur in slum demolition or any improvements in the provision of better housing for many people in our midst: far from it. In fact, I query the necessity for this clause in the Bill. Section 33 (5) of the Housing Improvement Act specifically states:

> Upon any clearance area being proclaimed, the housing authority may proceed to secure the clearance of the area in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say: (*a*) by ordering the demolition of any houses in the area, or (*b*) by acquiring any of the land comprised in the area and by undertaking or otherwise securing the demolition of the buildings thereon.

We therefore see that it is set out quite clearly that the trust has the authority to acquire land for slum clearance and for the general improvement of the area. That brings me back to this clause which clearly gives the trust power to acquire land compulsorily. By the fact that it is amending section 16b of the principal Act, it would appear that this is a general power and not necessarily one dealing only with slum clearance or slum demolition. In other words, we are giving to the trust a general power to acquire land compulsorily on which to build new houses. This is the matter I am querying at this moment, and I should like the Attorney, when he is replying or when we are in Committee, to explain to the House why suddenly after 25 or 30 years of successful operation of the Housing Trust it is now necessary to introduce a Bill to enable it compulsorily to acquire land for the erection of new houses. Up till now the trust has bought land on the market, in competition in some instances with other bodies and organizations. On other occasions, because of its size and authority, it has been able to acquire land at special rates, and I am all in favour of that because the more cheaply we can purchase land the more economic type of housing we can provide. It rather puzzles me why suddenly this extra power is required. It does not seem to be quite fair that the trust should have this extra advantage over other purchasers of land for the erection of houses. The trust should, of course, operate on the open market in fair competition. Therefore, Sir, this is a matter on which, in my opinion, further information is needed, and unless that information clears up the doubts I have I intend to oppose the measure.

Slum demolition has been planned rather successfully in the Gilberton section of my

district adjacent to the River Torrens and also adjacent to the Channel 10 television building on Park Terrace, Gilberton. This is quite near the proposed route of the freeway which one day will go through this area. This was done through the previous Government's altering the Local Government Act to enable the Housing Trust to make an arrangement with the Walkerville council. A section of substandard housing there was acquired, and it is hoped that one day some multi-storey flats will be built on that area. I agree with the main provisions of the Bill, but I repeat that I see no reason at this moment why the trust should have these extra powers to acquire land compulsorily. The trust already has power under section 33 (5) of the Housing Improvement Act to acquire land for slum clearance when a clearance area has been proclaimed. As I said earlier, the trust has gone along quite well without this Bill and now this provision has suddenly been brought before the House. In fairness, I point out to the Attorney-General that in his second reading speech, while he mentioned it was desired that these powers should be given to the trust, no explanation was given as to why they were needed at this stage. I support the Bill, but I would appreciate more information from the Attorney-General either when he replies or in the Committee stages.

Mr. HUDSON (Glenelg): I support the Bill, especially the amendments in clause 6 which affect section 52 of the principal Act. The aim of the clause is to give protection to a tenant from eviction when a landlord learns that it is intended to declare the house to be substandard. The absence of that protection prior to the introduction of this amending Bill was a serious limitation in the previous operation of the Housing Improvement Act. A tenant who has had his house previously declared substandard by the trust, unless he had a tenancy agreement which protected him from eviction for a period of almost two months, could well expect to be evicted by the landlord. The landlord could then proceed, by means of a rental purchase agreement, to sell the house and so escape the operation of the Housing Improvement Act altogether. This was a serious weakness in the legislation and clause 6 of this Bill, together with the Excessive Rents Act, will effectively remove that loophole. It will mean that where an approach is made to the Housing Trust and a particular house is declared to be substandard the tenant of that house will be given protection during the period that elapses before any appeal to the local court can be determined.

Most members will remember that under the original Act the Housing Trust must, under section 52, give one month's notice in the *Government Gazette* of its intention to declare a particular house as substandard. Of course, beyond that period a further period could elapse before the matter was determined before a local court. Numerous cases arose where tenants were evicted because of the absence of any clause in their agreement with the landlord preventing such eviction during that two months' period where the house was sold and the provisions of the Housing Improvement Act were avoided altogether. I hope that this legislation, together with—

Mr. Shannon: In such a case, would not these be satisfaction for a purchaser of such a house?

Mr. HUDSON: No; this was the reason—it only applied to rental dwellings and once the house was purchased. The point is that the new purchaser could buy it under a rental-purchase agreement and he could then be called upon by the vendor, because there is usually some clause in the agreement requiring him to carry out any work necessary to bring the house up to the proper standard.

Mr. Shannon: The purchaser does that with his eyes open.

Mr. HUDSON: In many cases the purchaser is quite pleased to get any sort of accommodation, and that is why these rental-purchase agreements have been entered into in so many cases, and the prevalence of these agreements has been a direct consequence of section 52 of the Housing Improvement Act. That provided this possible loophole as a means of escape from the consequences of the provisions of the Housing Improvement Act, and clause 6 of the Bill plugs that avenue of escape. I am pleased to see it.

The Hon. G. G. PEARSON (Flinders): The general purpose of this Bill is good, as honourable members on this side have indicated. I do not see objection to it in general principle, but I think one or two provisions are unnecessary. First of all, the point has been made regarding the provision to enable the Housing Trust compulsorily to acquire land. I support the objection, because I do not see any necessity to clothe the trust with this power. After all, it has operated satisfactorily in providing itself with all the land that it needs without having had to resort to compulsory acquisition.

If there is one reason more than another why the House should make this criticism of the Bill, it is that compulsory acquisition of land should not be endorsed by this Parliament for any

light or unnecessary reason. I said, in relation to compulsory acquisition legislation that was before us recently, that this should only be done as a last resort. All processes of negotiation for sale and purchase should be used before resort is had to compulsory acquisition. There are, in respect of Government requirements and the requirements of public utilities, certain pieces of land that must be obtained for specific purposes. Land may be required in a specific location to enable, for example, the provision of a supply tank for water reticulation. Such land must be at or near a particular level of altitude to comply with the pressure zone arrangements that the department requires.

Furthermore, land for a school must be somewhere near the centre of the population served by the school. Thirdly, land required for other necessary works must be in a particular location, such as land required for water mains, roadways, streets, and so on. However, these requirements do not apply to the activities of the trust, which is able to build a house on any suitable land. The trust's requirements are not inflexible; it can adapt itself to circumstances and procure land where it is available. The conditions applying to the requirements of other instrumentalities do not apply to the trust. For that reason alone, the inclusion of this provision is unnecessary and should be removed.

Another point is in regard to the tenancy of substandard houses. I agree that there has been, and probably is at this moment, some rather sharp practice indulged in in regard to the rents charged for substandard houses where housing is at a premium, such as in many suburbs of Adelaide and in the many country towns, particularly the older ones.

The Government is to be commended for dealing with this matter. However, as is not uncommon, in an endeavour to remove a problem, it has gone unnecessarily far in framing this amendment. As I read it, it provides that if a house is declared substandard or if a notice to declare it substandard has been issued, then the tenant is protected, not only in respect of the rent he is required to pay (that is fair enough) but he cannot be removed from the house except by a court order, or unless the court is satisfied that the owner issued the notice to terminate the tenancy for proper reasons. One named is that he was not aware that the house was to be declared substandard; another is where the tenant has failed to pay the rent. I refer to the wording of clause 6, and believe that this will result in many problems about the occupancy of substandard housing. Because the tenant of a substandard house is in a protected position regarding the tenancy, it will, in effect, create a demand for the occupancy of such houses, and this is not desirable.

Genuine substandard houses should be demolished and replaced immediately, and I believe that most members would like to see them summarily erased from the scene. However, there are many of them and replacements are not readily available, so we shall have to put up with them for the time being. The Government has gone too far in protecting tenants, and what amounts to a perpetuating of the substandard housing position for longer than should be tolerated. I have no further major comment on this Bill until we reach the Committee stages, when the matter will be examined further. Apart from the sharp practices regarding substandard housing, the sale of houses that are substandard without the buyers being made aware of it, exorbitant rents being charged, and the evasion of reasonable provisions regarding rent, I agree with the Bill. I shall oppose the provision providing for compulsory powers of acquisition for the Housing Trust, because I do not think they are necessary. In due course I shall look at the matter of evictions.

The Hon. D. A. DUNSTAN (Attorney-General): I shall speak briefly about matters raised by members opposite. Two objections have been raised to the Bill, the first and major one being the provision in clause 3 giving power to the Housing Trust to acquire land other than in a clearance area. A complaint made by the member for Burnside was that this Bill would not provide for the remedying of slum conditions. If we are to have redevelopment of inner suburban slum and semi-slum areas, two things need to be done. First, we have to agree with the councils concerned on the bases of plans for redevelopment. The councils concerned have been requested to proceed with the making of those plans in consultation with the Town Planner, and in most areas that work is proceeding. We expect that next year we shall have available preliminary plans for inner suburban redevelopment, so that we can get the overall picture of this development and see what urgent projects need to be undertaken. In examining these plans for inner suburban redevelopment it is apparent that planners will be concerned with three different types of area. First, there are straight clearance areas, not many of which exist. In the district of the

Minister of Works more clearance areas probably exist than elsewhere, but in the districts of the member for Torrens and the member for Unley, as well as in my own district, there will be few straight clearance areas. They will comprise only small pockets. Other areas will need rebuilding, but it may not be appropriate to have them declared clearance areas.

The member for Torrens may recall that when the Housing Trust acquired land in Gilberton it did not declare it a clearance area. Within some areas where rebuilding is required, houses that are not substandard often exist. In consequence, it is necessary in some areas to have power to acquire individual allotments. Some houses need to be acquired. The honourable member for Burnside (Mrs. Steele) suggested that they be acquired on the open market, but what happens when we start buying some of them? People learn that the sales are taking place, and then prices increase. We find that an unequitable situation arises, because some people, who sell before they realize what is happening, are paid at the market price, whereas others hold out for a much higher price, and get it, simply because they did not sell first.

Where an area has pockets of land that need to be acquired for a plan, it is necessary to have powers of compulsory acquisition, in order to be fair to everybody concerned. Under the compulsory acquisition powers it will be necessary to acquire at the market value and, in consequence, the only effective way in which we shall be able to proceed with inner suburban redevelopment is to provide an authority to acquire.

The Hon. G. G. Pearson: What is wrong with the present power?

The Hon. D. A. DUNSTAN: Under the present power acquisition takes place only when a clearance area has been declared. However, in many cases in inner suburban redevelopment it will not be appropriate to declare a clearance area, because the requirement may be only for a piece of land here and a piece there. Are we to declare individual allotments clearance areas? That does not seem to be the purpose of the section. There has been a debate about how far we can go in declaring clearance areas, and some doubt was raised whether the provisions were appropriate to the kind of acquisition that occurred in Gilberton.

Mr. Coumbe: You could use the Local Government Act.

The Hon. D. A. DUNSTAN: Yes, provided the approval of the local authority had been obtained. In some cases the local authority would not wish to be the acquiring authority. We must have a certain amount of flexibility. Further, under this provision, we would be able to prevent the kind of racket that would otherwise take place in relation to the production of plans. In the inner suburban area it is necessary to produce plans, and to let the populace discuss them. People then know ahead of time what will take place in the area. If we are to have effective town planning, the people must know what is intended for their area, and how it will develop. They must have an opportunity to object (if they so desire) to the local authority about its plans for development. This process is going on now, but if the power were not given to an acquiring authority people would be able to hold out for higher prices and to thwart the plan of redevelopment in the area.

The Hon. G. G. Pearson: Why not limit the powers of acquisition to a particular part and leave broad acres alone?

Mr. Coumbe: It applies to the whole of South Australia.

The Hon. D. A. DUNSTAN: I realize it applies to the whole of South Australia. There was another reason for providing this clause and that was that where we went in for a large scale development programme powers of this kind were necessary. That is, where it was found necessary for town planning provisions in redevelopment it was also necessary in some cases where there was a large scale development programme. For instance, if the Housing Trust had proceeded with the plan (which was discussed by the previous Government) in the upper reaches of the Port River the Chairman reported that it would have been necessary to get the power to proceed. So that on all of these scores this power appears to be necessary If we do not have it we shall be considerably hampered in the matter of slum clearance, which is the matter raised by the member for Burnside We must provide a flexible power of acquisition if we are to go ahead with inner suburban redevelopment; without it our hands are tied. Therefore, I urge honourable members not to oppose the clause as it is a necessary measure.

As to the clause relating to the displaying of a notice in writing, it is to be displayed by the landlord in the premises. The only person who will commit an offence by not complying will be the landlord. While in occupancy of the premises, the tenant cannot destroy the notice because it is not his, and he cannot deface it. The notice is for the present tenant and any incoming tenant.

When the tenant leaves the premises the notice must be there so that the incoming tenant knows what is going on. In a number of these cases there has been a fairly quick turnover of tenants of substandard houses, and landlords have endeavoured (and have succeeded in many cases) to collect a rent in excess of the fixed amount. The purpose of having the notice is that there will be an indication to the incoming tenant. He will know if there is an attempt to exact from him a rental in excess of the fixed rental. He will be able to go to the Housing Trust. It will be a notice to him that the rent of the premises has been fixed. The only person to commit an offence under this section will be the landlord. I think the objections have been met.

Mr. Coumbe: This is only in connection with substandard houses.

The Hon. D. A. DUNSTAN: Yes. If it is a rental under the Housing Improvement Act it must be in relation to a substandard house. In all of these circumstances, I think the provision is reasonable.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I would not have spoken but for some remarks made by the Attorney-General about the trust's acquisition powers. It already has acquisition powers with regard to substandard areas. They were provided in the original Act, which I introduced many years ago. As far as I know, they have never been used at all by the trust. Although there were large areas of substandard houses that the trust could, under the Act, have acquired, the fact is that the substandard houses were in areas where, if the trust had acquired them, the land value would have been so high that it would have been prohibitive. The Attorney-General's suggestion that the trust should become a town planning and slum-clearance authority is not, I think, a wise proposal. The land that would be most likely to be the subject of slum clearance would probably bring several thousands of pounds an acre.

Obviously, the Housing Trust is an authority to provide at reasonable rates houses for people receiving moderate incomes. Although it has had power for well over 20 years to conduct slum clearance, this power has never been suitable for the trust's purposes. In Victoria the Government, which is the housing authority in relation to inner areas that have become substandard, in some instances has bought land for £40,000, £50,000 or £60,000 an acre and has constructed density housing in blocks 13 or 14 storeys high. Unless we are prepared to do this, the land in question will not be suitable for housing activity. I went closely into the economics of the Victorian scheme and found that the cost of building what I thought were unsubstantial structures was extremely high. At three or four housing conferences between the States, which were attended by representatives of the Commonwealth Government, the Victorian Government asked the conference to agree to motions asking for heavy subsidizing by the Commonwealth Government to enable it to deal with this problem. The Attorney-General's proposal would, if carried out, lead to a sharp reduction in the amount of accommodation built in South Australia.

Experience has shown that the Housing Trust has not been an effective organization to deal with slum clearance. I am not criticizing the trust, but it does not make sense for it to buy land at great cost for houses for people on moderate incomes. Although the trust has had this power for many years, as far as I know it has never used it, because the land involved is so expensive that it is not suitable for the trust's housing purposes.

Let me say a few words on the project that the Premier decided against when he assumed office and that had been developed to a fairly advanced stage in the southern part of the city. As honourable members know, in that case the City Council had given a heavy subsidy towards the purchase of the land but, even so, the Premier said, "No; this housing will cost too much. For this money we can provide housing in other places. In these circumstances, I do not believe that this project should go on." On that particular acre the City Council had given a subsidy of £20,000, and we were still going in for high-density housing. But even then, when the Government came to look at it and compare it pound-for-pound with the cost of housing on other land, it decided that it would be too costly. With that conclusion I find no fault from the point of view of cost, but for other reasons I should have liked to see the project carried on. However, from cost considerations, there is not the slightest doubt that what the Premier said then was correct: it would cost more for a unit of accommodation than elsewhere. I cannot agree with the Attorney-General on the premise on which he is submitting this, that the Housing Trust shall become an authority for substandard clearance areas, because, if the trust is to be that, the cost of housing will rise enormously and the amount of housing to be built by the trust with the money available to it will decrease correspondingly.

I come now to the trust's having a power of acquisition as a matter of ordinary every-day procedure, apart from the matters mentioned by the Attorney-General. The Housing Trust over many years has been able to purchase all the land it has wanted at rates much lower than those it would have had to pay had it gone about it by compulsory acquisition. There is no reason why the trust should be given powers of compulsory acquisition. It is not tied down in its work to one particular consideration. It is not like a road authority, which has to have a key block if a complete project is not to be cut in two. The Housing Trust can plan ahead, as it has done many times—notably at Elizabeth, where it was well ahead of any development. It bought that land at very low prices. It paid the current prices of the day but much of that land was purchased at between £55 and £70 an acre. Had it gone about getting one block of that land by compulsory acquisition, I venture to suggest that the cost of that land would immediately have risen enormously. So, not only has the trust ample land but the more money that it has tied up in the purchase of land ahead of present requirements, the smaller is the current housing programme. On a number of occasions I asked the Chairman of the trust to refrain from buying land, for the reason that whereas buying land a long time ahead of requirements may be a good thing from the point of view of a long-term investment, every £100,000 that is spent in purchasing land means that 35 less houses will be built that year. At most times the trust holds not less than £1,000,000 worth of land, or something of that order, and I think that at present, with all things taken into account, it has a forward investment of about £5,000,000 or £6,000,000, although I have not checked the exact figure.

I ask the Premier seriously not to jeopardize what I believe to be an otherwise serious Bill by including a clause which is not only unnecessary but in my opinion is one that is undesirable in that it will not aid the trust in its work. I believe it is more likely to involve the trust in buying land that is too costly for its purposes. The moment an authority starts a compulsory acquisition it is compelled to go through with it, whatever the ultimate cost may be: it is not a question of bargaining and, if it does not like the price, pulling out. I strongly suggest to the Premier that there is no reason for this clause. I certainly do not know of any. In my experience over many years I do not know of any occasion on which the trust has ever been in any problem. There have been times when a block of land was desired by the trust and there was a little negotiation before it could be purchased. However, I believe that is a good thing, and that it is preferable to taking out a sledge hammer to effect something that I believe can be done by ordinary negotiation.

I support the Bill, but I strongly oppose the compulsory acquisition clause. This provision is already available to the trust for the clearance of substandard housing, but so far as I know it has not been of any value to the trust. I seriously ask the Premier not to press that clause. The Bill, which would otherwise be desirable, would then be passed with a reasonable amount of expedition.

Bill read a second time.

The Hon. FRANK WALSH (Premier and Treasurer) moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider a new clause relating to substandard houses.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Power to buy land."

Mrs. STEELE moved:

In new section 16b after "purchase" second occurring to strike out "or otherwise acquire".

The Hon. FRANK WALSH (Premier and Treasurer): I do not object to the amendment. In the matter of the housing authority purchasing or acquiring land I had hoped that there would not be any attempt at any time to instigate some fictitious type of sale that would occur as a consequential move to increase land sales generally within an area. I had hoped that that could be avoided and that was the reason it was placed there in the first instance. However, I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—"Notices to quit void in certain cases."

The Hon. FRANK WALSH moved:

In new section 60a (1) after "where" to insert "(a)".

Amendment carried.

The Hon. FRANK WALSH: I move:

In new section 60a after "substandard" to insert "and such notice has not been withdrawn"; after "and" first occurring to insert "(b)"; and after "force" to strike out "and" and insert "or".

The first three amendments in new section 60a are drafting amendments to ensure that a

notice to quit will not be invalidated by the new section where the notice of intention to declare a house substandard has been withdrawn. The remaining amendment to new section 60a is a clerical correction. New section 61b provides for an offence where a house declared to be substandard or about to be so declared is advertised for sale if the advertisement does not make full disclosure of the relevant declaration or service of notice, as the case may be, the maximum penalty being £250.

Amendments carried; clause as amended passed.

Clause 7—"Duty of vendor to disclose to purchaser if house substandard."

The Hon. FRANK WALSH: I move:

To strike out "section is" and insert "sections are".

The amendments to the new section 61a are consequent on the amendments to clause 6. They are drafting amendments to ensure that the application of the new section will be limited to declarations that are in force.

Amendment carried.

The Hon. FRANK WALSH moved:

In new section 61a after "Where" to insert "there is in force a declaration that"; to strike out "has been declared by the housing authority to be" and insert "is".

Amendments carried.

The Hon. FRANK WALSH: I move:

After new section 61a to insert the following new section:

61b. Where—

(*a*) there is in force a declaration that any house is substandard for the purposes of this Part; or

(*b*) notice has pursuant to subsection (1) of section 52 of this Act been served on the owner of any house stating that the housing authority intends to declare the house to be substandard for the purposes of this Part and such notice has not been withdrawn by the housing authority,

any person who publishes or causes to be published any statement which—

(i) is intended by such person or by any other person or apparently intended by such person or by any other person to promote the sale or disposal of the house; and

(ii) does not contain a clear reference to such declaration or to the service of such notice, as the case may require,

shall be guilty of an offence against this Act punishable upon conviction by a penalty not exceeding Two hundred and fifty pounds.

This new section provides for an offence where a house declared to be substandard or about to be so declared is advertised for sale and the advertisement does not make full disclosure of the relevant declaration or service of notice as the case may be. The maximum penalty is £250. This section is modelled on an amendment of the Victorian Housing Act inserted in 1961.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): There are two or three things about this new section that we should consider, and I should like the Attorney-General to comment on the words "any person who publishes or causes to be published any statement which—". I am not sure whether this covers a printed statement only, or whether it also covers a verbal statement. A fine of £250 seems to be heavy in the circumstances, because many people may not know (and probably will not know) of the provision. If the attention of the purchaser is not directly drawn to the fact that a proclamation exists in respect of the premises, a penalty of £250 may be imposed. The provision should also include a verbal communication. If "publish" deals only with an advertisement in the press, I do not think the clause will be effective for the purpose for which it was designed. However, if a verbal statement is included (and I think it should be included) the fine will probably be too heavy in the circumstances. I think it should be £100 rather than £250.

The Hon. D. A. DUNSTAN (Attorney-General): Normally, "publish" includes both verbal and written statements. In relation to the law of defamation, I point out that defamation can be published either by slander or by libel. Since the matter covers both verbal and written statements, the penalty has been fixed at this sum. It is only a maximum penalty, and the court is given the discretion to impose a lower penalty, depending on the circumstances of the case. I agree that the court is not so likely, where it is a publication to an individual verbally, to impose the same penalty as where it relates to a series of houses. The amount has been fixed at £250 to make certain that it is a deterrent because of the rackets that have been going on.

The Hon. Sir THOMAS PLAYFORD: I believed that the term "publish" included a verbal statement. Although the £250 provided is obviously included to cover cases that might arise, it will nevertheless be regarded by the court as being a guide to the amount of the fine. I believe it would be advisable to have a penalty of £100 for a first offence and £200 for a subsequent offence. A person could stumble into this without knowing the intricacies of the Act and without having any intention of defrauding anybody.

The Hon. FRANK WALSH: I am prepared to accept the Leader's suggestion, but I think we should be conversant with this type of provision. Section 52 of the Act contains a clear indication of what is a substandard house.

The CHAIRMAN: If the Premier wishes to amend his amendment he will have to get leave.

The Hon. FRANK WALSH: I seek leave to amend the amendment as follows:

To strike out "Two hundred and fifty pounds" and insert "One hundred pounds for a first offence and Two hundred pounds for any subsequent offence."

Leave granted.

Mr. SHANNON: An agent, in order to make a sale, may not say anything about the house having been declared substandard, and collusive action between a tenant and a friend, who may say he was not told that the house was substandard, is possible. This provision is wide, and I do not think we should leave the way open for people to penalize an owner who did not intend to break the law.

Amendment as amended carried; clause as amended passed.

Remaining clauses (8 to 10) passed.

New clause 8a—"Owner may not require occupier to do certain works, etc."

The Hon. FRANK WALSH: I move to insert the following new clause:

8a. The following section is enacted and inserted in the principal Act after section 70 thereof:

70a. (1) If the housing authority has, as provided by subsection (1) of section 52 of this Act, served a notice in writing of its intention to declare a house to be substandard, then, notwithstanding any covenant, or agreement whatsoever to the contrary and whether or not the house has subsequently been so declared to be substandard—

(*a*) it shall not be lawful for the owner of the house to require the tenant thereof to do any act, matter or thing which is, or to execute any works which are, necessary to ensure that the house will comply with the standards prescribed by regulations in force under section 85 of this Act; and

(*b*) the cost of any such act, matter, thing or works shall not be recoverable from the occupier by the owner.

(2) Any person who whether as principal or agent or in any other capacity makes it a condition of the grant, renewal or continuance of the tenancy of any such house that the tenant shall do any such act matter or thing or execute any such works shall be guilty of an offence against this Act.

New section 70a arises from an injustice in the operation of the principal Act, to which the attention of the Government has been drawn by the member for Adelaide since the preparation of this Bill. Where the Housing Trust proposes to declare a house to be substandard, it will, if so requested by the owner, supply a list of deficiencies making the house substandard. The owner may often, pursuant to the tenancy agreement, require the tenant to remedy the deficiencies. If this is done, any declaration by the trust will be revoked but there is nothing to prevent the owner from thereupon evicting the tenant. New section 70a is designed to protect the tenant in this situation by providing that the owner shall not be able to require the tenant to remedy the deficiencies or pay the cost thereof, notwithstanding the term of any agreement between them.

New clause inserted.

Title passed.

Bill read a third time and passed.

DECIMAL CURRENCY BILL.

Adjourned debate on second reading.

(Continued from November 3. Page 2577.)

Mr. COUMBE (Torrens): I support this Bill, which is important to many aspects of our commercial, industrial and domestic life. This Bill, the provisions of which will operate within this State, is supplementary to the Commonwealth Act. While the Commonwealth legislation will provide for the transition from the old to the new currency, it cannot directly repeal, amend, or affect any relevant State legislation which sets out specific fees and charges and which is operative only within South Australia. That is why this Bill, which is complementary to the Commonwealth Bill, has been introduced, and it has to be passed so that this new type of currency can come into operation on February 14 next year.

It appears to me from my reading of the Bill and the second reading explanation that this Bill is basically the same in its provisions as the Commonwealth Bill. We specifically refer to the relevant amounts of money or the equivalent amounts, that is to say, £1 will equal two dollars, 1s. will equal 10c, and 1d. will equal five-sixths of a cent. Therefore, from the date this Bill and the Commonwealth Bill operate we will be using the new currency, and where references appear in our legislation to pounds, shillings and pence they will in fact be read as references to dollars and cents. The various clauses provide for adjustments.

For instance, fractions will be taken to the nearest cent and in many cases to the nearest 5c, and there are slight adjustments up or down. It is interesting to see the provision for the term "guineas", which is a term used in many aspects of commercial life.

Mr. Millhouse: Not only in commercial life.

Mr. COUMBE: Of course, it has no legal meaning, and this is especially so when it is used by the legal profession in fixing charges. At the same time, I think probably it would be legally enforced by lawyers when they are trying to collect their charges. Clause 4 (4) expressly defines the meaning of the term "guinea" which, as I said, does not have any legal meaning in terms of the existing Coinage Act. I trust that will satisfy my legal friend on my right. Of course, the important thing for us to remember is that in our State legislation there are many references to "guinea" or "guineas", whether it be fees to be paid or charges to be levied. Clause 4 (5) makes it clear that where any Acts in South Australia refer to amounts of money in sterling they are, for the purposes of conversion, to be read as references to Australian pounds, and this is rather important.

Clause 5 specifically covers documents that are not statutory instruments. One example of this refers to the Estimates. Earlier this year I asked the Treasurer whether he would consider, for the guidance of members, having the Estimates prepared in both the old and the new currencies. He was kind enough to explain that this would be a difficult problem to deal with at that time due to the pressure on the printing office and on his staff at the Treasury. However, he said that later next year, probably after the introduction of decimal currency, this would be done. The problem facing honourable members in years to come, probably during the next financial year, will be looking back to compare charges. Certainly if that does not occur next year, then the following year members will have to do some mental arithmetic. This problem is not insoluble, but it does indicate that even in this place many documents must be converted to the new currency.

Turning from the Legislature to the Public Service, much work will be involved not only in the actual conversion but in the preparation of documents for conversion to ensure that correct amounts are charged and proper adjustments made to the nearest five or 10 cents. Provision is made in this Bill for such action to be taken.

Some specific Acts in this State will require special adjustment and these are set out in the schedule to the Bill. Several adjustments must be made, some up and some down, and some Acts involved have far-reaching effects but are diversified. I mention the Cattle Compensation Act, the Crown Lands Act, the Gas Act and the Industrial Code, which contains many charges for different types of factory, and various penalty clauses. An important provision deals with the calculation of wages and salaries paid to staffs in factories. This is necessary, as many factories in this State work under a State award or determination as distinct from a Commonwealth award, which will be adjusted by the Commonwealth Currency Act. Again, provision is made under the Industrial Code for variation of wages and orders in connection with the living wage, and conversion facilities are provided.

The Local Courts Act has to be amended as does the Pawnbrokers Act. The facility is here made to make the odd pence and halfpence disappear and work to the nearest cent. Even the Places of Public Entertainments Act comes under the provisions of this Bill. The Savings Bank Act is affected in many ways and touches not only the main banking business but also the school bank system where for generations the bank has worked on the "penny bank" system. Under this system there is to be a minimum contribution of one cent, and therefore children who in the past have been paying a penny a week (although there should not be many such children these days) may now pay a minimum of one cent a week. Then, we have the Swine Compensation Act and there is a very important one last, the Weights and Measures Act. This, of course, has to be adjusted to deal with the new coinage. May I say, in supporting this Bill, that we all welcome it and also the relevant Commonwealth Bill, because even if we deliberately went out of our way to find a more difficult system to operate than pounds, shillings and pence, it would be difficult to find one. That system is easy to many of us only because we were brought up from childhood with it and learned the system at school. I consider that the children learning the new decimal system will find mathematics easier. This new system is being taught in a preparatory way in our primary schools this year and will be dealt with next year in a full course.

Mr. Millhouse: Could you suggest what the children should do with the extra time they will have?

Mr. COUMBE: The Minister of Education could give the honourable member a specific answer but I assure him that there are plenty of things to occupy a child's mind at school rather than doing intricate sums, which he may have done in the past, that may not be used on one day in his life or in his commercial work. The only other comment I wish to make is that, speaking as one experienced as an engineer and in dealing with mathematics, I hope that one day we shall have in Australia the metric system. Our present system of weights and measures, while it may be easy to some of us, is most archaic and sometimes causes difficulty in our dealings with oversea countries.

Bill read a second time and taken through its remaining stages.

CATTLE COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 3. Page 2582.)

The Hon. D. N. BROOKMAN (Alexandra): I support the Bill. The principal Act has been a great safeguard for producers, cattle owners and the industry in general. The disease most feared in this State and covered under this Act, is contagious pleuro-pneumonia. Other dangerous diseases, such as foot and mouth disease, are dealt with under other legislation. The industry provides the total funds necessary to keep the cattle compensation fund in balance, and that balance has now increased to over £100,000. It is now considered that the quick methods of detection and the care taken to see that contagious diseases are rapidly diagnosed have made it possible to reduce the rate of accumulation to this fund, and that is a fair decision. The rate was 3d. per £10 for every beast sold, up to a maximum of 1s. 10½d., but the amount now to be levied is 6d. for a beast up to the value of £35, and 1s. for values above that. The new rates will not adversely affect the fund, provided that heavy draws are not made on the fund. Experience in the last few years has shown that more has been paid into the fund than has been paid out.

Bill read a second time and taken through its remaining stages.

JURIES ACT AMENDMENT BILL.

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 15 (clause 5)—Leave out "House of Assembly" and insert "Legislative Council".

No. 2. Page 2, line 17 (clause 5)—Leave out "House of Assembly" and insert "Legislative Council".

No. 3. Page 3, line 2 (clause 10)—Leave out "words" and insert "word".

No. 4. Page 3, line 2 (clause 10)—Leave out "and 'Legislative Council' ".

No. 5. Page 3, line 3 (clause 10)—Leave out "words" and insert "word".

No. 6. Page 3, lines 3 and 4 (clause 10)—Leave out "and 'House of Assembly' respectively".

No. 7. Page 4, line 39 (clause 18)—After "list" but within the quotation marks, insert "provided that, whenever practicable, the Sheriff shall ensure that each panel shall contain not less than fourteen women."

No. 8. Page 7—Leave out clause 34.

Amendments Nos. 1 to 6.

The Hon. D. A. DUNSTAN (Attorney-General): I ask that amendments Nos. 1 to 6 be disagreed to. These amendments by the Legislative Council strike out of the Bill the provision that in future the juries will be drawn from the House of Assembly roll. The relevant clause in the Bill was passed in this place without amendment, and without a call. It has been widely supported in the community by not only the more conservative organs of the press but by all the organizations which sought that women should be included on juries. I have a letter from the League of Women Voters, which was the organization that originally approached the previous Government on this matter, stating that it desired that when women were chosen for juries that the House of Assembly roll should be the basis of the choosing of juries.

The Hon. Sir Thomas Playford: Do the six amendments deal with the same topic?

The Hon. D. A. DUNSTAN: Yes.

Amendments disagreed to.

Amendments Nos. 7 and 8.

The Hon. D. A. DUNSTAN: I suggest that these amendments be agreed to. Amendment No. 7 provides that whenever practicable the Sheriff shall ensure that each panel shall contain not less than 14 women. It is designed to ensure that whenever practicable there should be at least 14 women on the jury panel. This is intended to cover places like Whyalla where there might be a preponderance of men on the jury list. It was inserted in the other place at the request of the Sheriff. Amendment No. 8 is concerned with clause 34 of the Bill, which provided for jury districts. The schedule has, in fact, become no longer operative as it has been superseded by proclamations. Therefore, there is no point in relation to clause 34.

Amendments agreed to.

The following reason for disagreement with amendments Nos. 1 to 6 was adopted:

Because the amendments defeat the principal objects of the Bill.

VETERINARY SURGEONS ACT AMENDMENT BILL.

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 6 (clause 4)—Leave out "17a" and insert "17".

No. 2. Page 2, line 6 (clause 4)—After "is" insert "further".

No. 3. Page 4, line 5 (clause 14)—After "animal" first occurring, insert ",".

The Hon. G. A. BYWATERS (Minister of Agriculture): I ask that these amendments be agreed to.

Amendments agreed to.

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 7. Page 2035.)

Mr. SHANNON (Onkaparinga): This Bill is really complementary to a measure that the House has already passed. After investigating its provisions, I do not offer any objections to it, as it is a necessary adjunct to what the House has already agreed to in the Maintenance Act Amendment Bill.

Bill read a second time and taken through its remaining stages.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 2615.)

Mr. LANGLEY (Unley): Before I obtained leave to continue my remarks I said that the previous Government was loath to license electrical contractors. This Bill has two clauses dealing with contractors and licensed workmen. It does not necessarily mean that a person holding an electrical contractor's licence has to be a licensed electrical worker. In many cases people at the head of big electrical businesses are not licensed electrical workers. If a person was a licensed electrical worker and electrical contractor, he would need two licences—one as a licensed electrical contractor and one as a licensed electrical worker. In a one-man business there would not be a contractor as well as a licensed man, but once a man employs labour he is expected to be a licensed electrical contractor. That definition is good. It will help keep the trade as it is today and give the licensed electrician an opportunity at some stage of being able to become a contractor in whatever field he may desire to operate.

Many licensed men have their own businesses. The electrical business is one in which a small business can do as well as a big one. This legislation will do much to keep the trade at a high level of efficiency. Country members are probably perturbed at the volume of work being done by the few licensed people in the country, in the way of repairs to appliances. Generally, there is a mushrooming of electricians in different areas these days when a new part of the State is opened up. Because of further electricity extensions, more work has to be done and more electricians should be available to cope with it. This gradual extending of electricity lines has been a great boon to country people. There will be some remote areas where special licences will have to be given. When the licensing committee is appointed it will be able to provide special licences for people in remote areas. Then, many trouble spots in the country will easily be catered for because there will be a ready supply of electricians. Often after electricity has been first provided to a house more appliances appear on the scene and extra points have to be installed. This gives the licensed man in the country an opportunity to earn a good living.

During the course of this debate the member for Torrens (Mr. Coumbe) gave some good examples of things likely to happen. He said that prices would soar. He forecast that it would cost two guineas for an electrician to come along and repair a fault. Every honourable member knows that certain trades in South Australia operate under the Prices Commissioner, of which the electrical trade is one. Without much fear of contradiction, I say that the electrical industry goes through different phases. There is a booklet about the different avenues of electrical work done, not only in houses but also in factories and other places, and a certain hourly rate has to be observed. The person concerned could go to the Prices Commissioner to have the account investigated, so I do not think the licensing of electricians would be responsible in any way for the alleged soaring costs.

Mr. Coumbe: They can be adjusted upwards on application.

Mr. LANGLEY: Yes, but I think the Commissioner would stick to the gazetted prices. There are gazetted charges for various lengths of run, and all in all the gazetted prices are quite fair. Often electricians working on new

houses charge less than the gazetted charges. A person may not have much idea of wiring but under the present easy system he can wire a house. That person will often charge less than the prescribed rates, but at the same time his work will contain faults because he is not a competent tradesman. That situation should not be allowed to continue. Letters to the newspapers have claimed that prices will soar, and that in this Bill we are looking after only a section of the people. I maintain that the aim of this Bill is to safeguard all South Australians. In addition, it will ensure that we have competent men on the job. I now turn to one of the most important provisions of the Bill. Clause 10 provides for the appointment of a committee of five members. I am sure that this matter will be considered carefully, both by the Minister of Works and the Minister of Education.

Mr. Coumbe: Are you a starter for one of the positions on the committee?

Mr. LANGLEY: Certainly not. I have enough work looking after my district, and I should not be interested in being on the committee. I think the committee is faced with an arduous task, and that it will take some time to iron out the many matters that will come before it.

Mr. Millhouse: We don't know what its duties will be.

Mr. LANGLEY: I do not think there is any need for the honourable member to worry about that, for he will realize that the committee will consist of people in the electrical sphere. It provides that the chairman will be appointed by the Electricity Trust. I think this committee should be a very practical one, consisting of people who have been through the different trades and the different fields of electricity. I consider that an ideal choice for the committee would be a man of the calibre of Mr. Walters of the Electricity Trust, for he is a very knowledgeable person in the field of electricity. He has worked his way up through the trust, and I consider that such a person would be an ideal type to serve on this committee. The Minister of Education has to select one member, and I hope he selects someone from the apprenticeship side of the electrical field. This is particularly important, for the apprentices are the young fellows of the future. They go through the school and then graduate to foremen or start their own businesses and become electrical contractors. Those people will be the backbone of the trade in years to come, although it will take some time for them, after serving their period of apprenticeship, to become competent tradesmen.

Of the other appointees I think one is to come from the Electrical Contractors' Association and one from the Electrical Trades Union. I emphasize that I will not be a starter for a position under either of these categories. I cannot recall the other member, but the people whom I have mentioned as comprising the Electricity Committee should carry out their work in a satisfactory manner.

Mr. Millhouse: What is its job? What is it going to do?

Mr. LANGLEY: It will be the committee before which people will have to appear before a licence is issued.

Mr. Millhouse: How do you know that?

Mr. LANGLEY: I would say that is the main reason why the committee is to be formed.

Mr. Millhouse: But the Bill does not say that.

Mr. LANGLEY: On reading the Bill, I may view it from a different angle from that of members opposite, but I consider that this committee will do the job I have mentioned. These are practical men who will attend to the issuing of licences; they will control the Act and its regulations.

Mr. Millhouse: But that is not how the Bill is drawn.

Mr. Hurst: Clause 5 covers it.

Mr LANGLEY: I will stick to my opinion on that. I am speaking of something I know and I am confident that my diagnosis is correct. I do not want to be sidetracked; that is my view of the content of this Bill. I assure honourable members that it is intended merely to control electrical installations and repairs as well as appliance repairs. I suppose that is another difference in thought from members opposite. However, in the field of electricity many people are engaged, including television technicians, wireless technicians and refrigeration mechanics, to mention only a few of the specialized trades that will be covered by the committee. The idea of this Bill, as fas as I can understand it—

Mr. Ferguson: Will they be licensed as specialists?

Mr. LANGLEY: Yes, they will be able to receive a licence, I take it, in their field. Everybody is aware that few people engaged in electrical work are able to specialize in all of the fields mentioned and most tradesmen stick to their own section. Some may be able to do two

or three types of work, but most stick to one variety and find that they obtain a reasonably lucrative living.

Mr. Freebairn: Do automotive electricians come within the ambit of this legislation?

Mr. LANGLEY: I do not think so, because I do not think that they would come within the ambit of electrical installation and repairs to electrical appliances. I think it is intended to keep such work specifically to the electrical industry as a whole and I think it concerns the special trades I have mentioned. Members opposite have said that under the Bill an unlicensed person will not be able to change spark plugs, but that statement is absurd. I will not get down to voltages in respect of licences, but I think the provision refers to the harnessing of main electrical supplies and articles.

Mr. Coumbe: What about radio work?

Mr. LANGLEY: I mentioned that, and such a tradesman would be covered in his own field. He would have a licence to attend to that type of work. Although a tradesman could be licensed to carry out work in two categories, it may be that such a man would be licensed in a country district and be competent enough to have a licence in several fields. I think the Bill ought to be as flexible as possible, because we are trying to help, not to hinder. This is the only State in Australia where electricians or electrical workers, whatever we may call them, are not licensed, and such licensing has been sadly lacking for a long time. In the future, people in the electrical field here will be as competent as those in any other State. We shall be able to harness the trade. The older men will drop out and the younger men will come in. In general, the trade must improve as the years go by.

Mr. Freebairn: Will you answer a question? Last year or the year before, you advocated a 5-year apprenticeship. Do you still stand by that?

Mr. LANGLEY: I still agree with that. I do not agree that apprentices should be rushed through without sufficient practical training. They learn something each day and take a certain time to learn the trade. Their scholastic qualifications may be good, but I consider that it is essential that they have the three years at school and the extra two years with their employers. A particularly competent young man has the opportunity of going into electronics, but the trainees would not be sufficiently competent if the course was of shorter duration.

Mr. Heaslip: There is nothing about that in the Bill.

Mr. LANGLEY: I was merely answering a question. We do not expect things to be perfect. In fact, it is seldom that a Bill is not amended while it is before the House, or at a later stage. When Bills are before us, members often find that certain things are wrong. According to some honourable members, this Bill is all wrong now. However, I think it is all right and that our teething troubles will be overcome. I consider it opportune to comment on the way wiring has been done in the past. I am sure honourable members will be interested in this statement of May 27, 1964, by Mr. S. E. Huddleston, Administration Manager of the Electricity Trust of South Australia:

> Wiring of many metropolitan houses is inadequate by present standards and, in some circumstances, could cause fire.

During this debate, I have spoken of fire danger. People buy articles without considering the state of the wiring and, as the honourable member for Light has said, many do not consult an electrician. Under licensing these things will be overcome, and we shall be able to keep up with what is going on in the electrical trade today. On July 19, 1964, photographs were published of one or two Housing Trust houses that had been burned down because of faulty electrical work and because additions were incorrectly made. Something usually occurs as the result of faulty wiring, and people often have much trouble trying to convince insurance companies that it was caused naturally and not by faulty wiring. On February 20, 1964, I received a letter from the Electrical Contractors Association of South Australia which stated:

> Up to the time of writing this letter we have been unable to glean any reason for the Government's decision in this regard, and would appreciate your assistance in securing answers to the following questions:
>
> (1) Is the public receiving adequate protection at the present time in face of the freedom of operation by electrical personnel on extensions and alterations to electrical circuits?
>
> (2) Is it impossible for the Electricity Trust of South Australia to police its own conditions of supply requiring such work to be carried out in accordance with wiring rules of the Standards Association of Australia?
>
> (3) With the growing number of potential hazards being created through sub-standard work, will the Government assume responsibility in the event of tragic subsequences?

(4) Is there an alternative to licensing in recognizing the status of the young man who has successfully completed a contract of apprenticeship to the electrical trade? At present insufficient young lads are entering the trade due to this absence of status for the tradesmen in South Australia.

Mr. Casey: Of course, the answer to it in 1964 would have been "No".

Mr. LANGLEY: These queries had been put to the then Minister of Labour and Industry, but the former Premier would not consider any of these things. Members of this association are important people in the electrical field, and they were keen to have electricians licensed. It is only since a change of Government that this has been brought about, and these people are pleased to know that some action is being taken. They do not agree with everything that is proposed, but at least we have started on the right road to licensing electrical workers in this State.

Mr. Rodda: Has the honourable member plenty of people to issue licences to?

Mr. LANGLEY: Yes, there are plenty of electricians in the trade at present, and the licensing of electricians will raise the status of the young man in the trade in the future. No great shortage of electricians exists today, although there may be shortages in most trades in South Australia.

Mr. Rodda: You don't envisage a shortage of tradesmen, once they become licensed?

Mr. LANGLEY: No. In the last three years or so, many young fellows have become interested in this type of work, whereas previously they had been attracted to more highly-paid jobs. However, with the education programme and with more security being offered, we are finding more young people desiring to be apprenticed to the trade.

Mr. Quirke: How many registered apprentices are there now?

Mr. LANGLEY: I do not know. At a guess, I should say there were 400 or 500 students at the Challa Gardens school

Mr. Quirke: Can you find out how many people would be licensed under the Bill?

Mr. LANGLEY: I think that is for the committee to decide. The committee will consider each case on its merits, and will, of course, be fair to each applicant. There will be an ample number of tradesmen in this State.

Mr. Hughes: There will be a better class of tradesman, too.

Mr. LANGLEY: Yes, although it may take time for that to happen. The committee will have to take many people on trust. The inspectors of the Electricity Trust in all parts of the State will have a fair idea of the workmanship of most electricians, and they will also know the contractors.

Mr. Ferguson: They will have to present a report to the committee.

Mr. LANGLEY: That is the idea. One member of the committee will, I am sure, be able to advise it on the merits of an application, and will have some knowledge of the status of the person applying for a licence. It will be for the man working in the electrical trade to show that he has the ability to carry out that work. The Bill seeks to help people rather than hinder them. I think most people will do the right thing, for, after all, their livelihood is at stake. Those people who know little about the trade and who are merely filling in time by performing do-it-yourself jobs may not last long. Indeed, they do not deserve to prosper. With regard to the different sections of the electrical trade that are keen on this legislation, I have a letter from the Institute of Electrical Inspectors dated September 11, 1964, which states:

Many thanks for your kind thoughts in sending the Institute a copy of your speech. I read some extracts from it at our Annual General Meeting and noted the interjections roughly follow the attitude of the uninformed when mending of fuses is discussed. I wish you well in your future efforts in this direction.

The Minister has said that the only thing the public will be permitted to do is mend fuses and put in globes. I do not wholly agree that they should be allowed even to mend fuses because that could cause fires or other damage. However, on considering the matter, I can see that it would be awkward in the outback, or even at home, if one could not mend a fuse at certain times. The member for Alexandra was a little perturbed about this aspect when I spoke about it on another occasion, and it looks as though his wish in this regard has come true. Usually the person who does not know what can happen goes on after the first fuse blows until he uses fencing wire for the job, which works for some time, and then his whole house goes up.

Mr. Freebairn: You have the knife into rural electricians, haven't you?

Mr LANGLEY: No, I think the Bill will be an encouragement to electricians and that people in the country will benefit by receiving adequate service from electricians.

Mr. Quirke: Do you think it will improve country standards of electricians?

Mr. LANGLEY: Electricians will move to the country as doctors move to the country to look after their patients. Electricians will gradually migrate to the country where they will be able to earn a good living because there will be a demand for them because of the number of appliances and so on that are used.

The seriousness of this matter has been recognized in other States. I assure honourable members that the Bill is designed to help and not to hinder people in the electrical industry. The Minister of Works is fully aware of the teething troubles that will be encountered and these will be ironed out. I commend the Bill to the House as a step in the right direction. It will suit both the country and city alike.

Mrs. STEELE (Burnside): Undoubtedly the Bill has evoked much interest not only amongst members on both sides of the House but amongst the general public, particularly amongst certain sections of it. Naturally, several members opposite are most concerned with this type of legislation, and we have listened with very much interest tonight to what the member for Unley (Mr. Langley) has had to say about a field in which we acknowledge that he is an expert who can speak with some experience. I think, too, that it must be a matter of great pride and satisfaction to him to see this legislation introduced, because ever since he has been in this House he has on occasions pressed for some sort of control to be exercised in this direction.

This is breaking entirely new ground for this State, although this type of legislation has been on the Statute Books of other States for a considerable time. I think most of us will agree that some control is necessary although some of us may think that the legislation is too sweeping in the controls that it seeks to impose. In this respect, I think it is typical of legislation introduced into this Parliament for the purpose of implementing the policy of the Government. This policy has had two effects, as far as I can see. The first is that it has on several occasions endeavoured to restrict the liberty of the individual. We have seen this in several Bills introduced this session—the Compulsory Acquisition of Land Act Amendment Bill, the Evidence Act Amendment Bill and the Road and Rail Transport Act Amendment Bill, to mention just a few. These measures have direct effects, and we have indirect effects by regulations that have increased inspection fees, charges for documents, etc. This has been the other effect of the legislation—that it has increased charges. We have seen this particularly in increases in water rates and other charges. It has been fairly typical of the legislation that has been introduced.

I cannot see that this Bill will have a very great influence on the number of fatalities or accidents that have been laid at the door of electrical faults. Although members opposite have given figures or have said that we are in a very bad way as regards our record in this particular field of accidents, I have done some research into the matter and have found that South Australia stands fairly high on the list as regards freedom from accidents caused by electrical faults. I had sent to me the other day (as I think other members probably did) a brochure from the Commonwealth Bureau of Census and Statistics giving figures of industrial accidents in South Australia. This is not a very good instance, but it is hard to get the correct figures for any particular type of fatality. In this brochure accidents are grouped under the heading "Fatal and non-fatal accidents in industry", and the accidents I am concerned with are those related to electricity, gas, water and sanitary services. No fatalities occurred in South Australia in the year 1964-65. It is interesting, too, that the figures are dissected into male and female. Whereas 491 accidents were sustained by males in this particular group, only three were sustained by females. I grant that they were industrial accidents and not concerned with homes.

The other figures I have were supplied to me by the Parliamentary Library. They are for 1963 for fatalities from electrical accidents. In that year there were 97 deaths from this source in the whole of Australia—13 females and 84 males. In this connection, it is interesting to note that South Australia is well down the list, with two women and seven men killed. This compares more than favourably with the other States, where five times as many men were killed as a result of electrical accidents and about four times as many women. I mention that because one intention of this Bill is to control the repair of electrical installations, and an electrical installation is defined in the Bill as any kind of appliance. Women probably use electrical appliances more often than men do, yet it is significant that the accident rate amongst women is far below that amongst men in this field. That point is important. So I cannot see from the statistics available that the control envisaged in this

Bill will in any way reduce the number of accidents, which is fairly small in South Australia anyway. I think the Bill will mean increased costs. Most of us are conversant these days with the service charges made for rectifying a fault in an electrical appliance. Last week, something went wrong with my radiogram and I tried to get someone to fix it. I telephoned one place, and the people there told me that it would cost two guineas before anything at all was done, plus travelling and working time, so I told them that they definitely did not have the job. I then searched for a radio firm that would be a little cheaper and eventually found one that said it would charge me 30s. for the first half-hour, which also included travelling expenses. It was a much better proposition. The point is that this is a common problem these days. It makes it too expensive for people on fixed incomes to call someone in if anything goes wrong with an electrical appliance. It means real hardship for them to have repairs done. These charges could be increased, because the Bill envisages the setting up of a committee to examine candidates for a licence. If I know anything about licences, we shall have reflected in the charges to be made for these services the cost of study, the examination fees and the licence fees, in addition to which we shall be expected to pay something for the raised status that will come to electrical workers, whether they are contractors or electrical workers. As I said earlier, for people in the older age bracket who are on fixed incomes this will be quite a hardship.

Uniform legislation at present seems to be quite fashionable, for in the past one Bill after another introduced into this House has followed the pattern set by other States or has been the result of a meeting of Attorneys-General or of Ministers of State of one department or another. Therefore, it seems a great pity, perhaps, that we did not follow some of the legislation already provided and tested over a period of years in other States. For instance, one of the things that struck me when I was comparing this Bill with Bills on the same subject in the other States was the paucity of definition in this measure. I know there is an amendment on the file to amend the definition of "electrical installation". However, when we look at the Western Australian Act we find that it makes provision for definition by regulation, and there are, I think, some 10 or 12 pages that cover the various definitions of "installation" and everything else that would be concerned with the type of Bill we are discussing here at present. It would have been very much better had many of these definitions been written into the legislation now rather than having them made by regulation later. Members would have understood the Bill and been very much happier about it had they had the opportunity to see more of these things included. I think there will need to be regulations to cover almost every aspect of this Bill, and some of them could lead to much discussion. I am sorry that there is not more definition in the Bill.

I have received (and I am sure other members have also) a number of letters and some representations personally from people who are much concerned with this Bill both as members of the public and as people who work within the framework of what is before us in the Bill. I have had a letter (and I am sure other members have) from the Wireless Institute of Australia, which represents almost all the amateur radio operators in South Australia. Before those people can operate they must undergo an examination and receive a licence from the Postmaster-General. They consider that they come within the meaning of this legislation by virtue of the definition of "electrical installation", and most of them consider that their qualification would seem redundant if they now have to obtain another licence to operate. Those people already have a pretty detailed licence from the Postmaster-General. They make the point, too, that apart from those amongst them who are actually interested in the trades in which they have their hobby there are many people, of course, who have passed this same examination but who are not electricians; they may be doctors, teachers, or students, yet they would still have to get the licence required by the Bill.

[*Midnight.*]

I can understand their concern because here are people handling radio equipment and electrical equipment all the time, people who consider that they have equipped themselves in a manner that should preclude their having to obtain a licence of that type. Can the Minister in charge of this Bill tell me what the position would be with regard to engineering students who, in the course of their training at the university or at the Institute of Technology, must of necessity be associated with live wiring? It is necessary as part of their training, to set up wiring behind switchboards where the power enters the board before

being transferred to the equipment that the students wish to use. How are such people affected by this legislation? In addition, how does the legislation affect people being trained in the use of computers and handling technical equipment associated with computers?

The Hon. C. D. Hutchens: Do you mean operators or actual people?

Mrs. STEELE: I mean students being trained at the university—electrical engineers and people who will eventually handle computers. What will their position be? Will they have to sit for, and obtain, a licence to carry on their work, or will they be covered if the instructor has such a licence? In any case, the instructor may not have a licence, and the situation may arise where nobody is eligible to use the equipment for training purposes. Another problem, too, would arise in schools, where boys experiment with all types of equipment that is electrically activated. The same comment would apply, and what would be the effect of this legislation on such training?

It would be a pity to discourage these young people who have engaged in this type of work as a hobby because we hope that such people will become the engineers and technicians of the future. We do not want to do anything that will deter them from making what could be an important contribution to the community's welfare.

I can envisage another important aspect that will arise if this Bill is passed and all of the controls provided by it are brought into effect. I cannot see, from the statistics that I have produced, that any great danger has arisen from people handling electrical appliances or carrying out minor repairs to appliances in their homes. I may be one who breaks the law, because I always repair anything that goes wrong electrically in my home, and so far nobody has been hurt. I enjoy doing this work, and I consider that, if this is to be controlled, it will cause great inconvenience. For one thing, I do not see how it can be policed, and I think the Minister himself pointed this out in his explanation.

Further, if all of these practices are controlled, and if people are not allowed to do minor repairs, it is a wonder that the retail trade has not realized that it will lose a source of income, because if nobody is allowed to do any of these things they will not buy supplies from any of the electrical departments in the retail stores. I cannot help feeling that there will not be any point in having such departments, because electrical contractors will buy direct from wholesalers and not through the retail stores at all. Therefore, I cannot understand why there has not been an outcry from the retail stores at this possible curtailment of a big source of their income. The hardware stores, for instance, do much business in this direction and my comment is cogent. One clause in the Bill causes me to wonder whether a person will be able to turn on a light switch or push a plug into a socket without getting the consent of the electrical undertaking. Also, there has been no definition of what is the "consent of the undertaking", to which reference is made in clause 7 (2) (*a*), which provides:

No person shall, except with the consent of an electricity supply undertaking—

(*a*) make any connection with wires or by other means between an electrical installation and a source of electrical energy generated or supplied by that undertaking;

The Victorian Government in 1960 found it necessary to amend its legislation so that control would end at the plug, because what had been provided originally was not practicable. The authorities simply could not exercise control beyond the output of power at the plug. As the member for Torrens has said, a simple repair could not be done by an unlicensed person in terms of the Bill before us. Women will not be able to repair the worn flex on an electric iron cord. Clause 9 provides:

Notwithstanding any other provisions of this Act, but subject to any other Act or law, it shall not be unlawful for a person who carries on the trade or business of a retailer or wholesaler of electrical installations—

(*a*) to repair, rebuild, reconstruct or recondition any used electrical installation for the purpose of resale in the course of his trade or business; or

(*b*) to cause for the purposes of subparagraph (*a*) of this paragraph electrical work to be performed or carried out by his employees, whether or not those employees are licensed as electrical workers if that electrical work is performed and carried out—

(i) in a workshop situated on the premises of that retailer or wholesaler and wholly controlled by him; and

(ii) under the direction or supervision of an electrical worker licensed in respect of that electrical work and that electrical worker personally checks and approves every electrical installation before it is offered for re-sale;

There is a risk involved regarding this provision, because people repairing articles that have been traded in or that have been repossessed need not be licensed workers but can operate under a person who holds a licence, and all he is required to do is to "personally check and approve repairs on such electrical installations". We have only his word for it, and that is not safeguard enough, because there should be a certificate appended to an article resold so that the purchaser is safeguarded in some way. If one buys a new article, one receives a guarantee or warranty covering it for twelve months, and this ensures that the electrical installation has been properly completed.

The Hon. C. D. Hutchens: What would you think about articles reconditioned in other States?

Mrs. STEELE: They should have something to show that they have been tested, are of a certain standard, and are safe. This should be necessary with any electrical article being offered for resale. The member for Unley said that the many teething troubles could be overcome once the Bill was operating, but these troubles should have been considered prior to the Bill's introduction. I cannot help reflecting that this Bill has been hastily drafted, because it is almost impossible to amend provisions that need amending, as they seem to refer to different clauses everywhere, and it is difficult to do anything about it. The member for Unley probably considered that his Party would see that there was some virtue in the Opposition's criticism of some parts of this legislation.

The Hon. D. N. BROOKMAN secured the adjournment of the debate.

ADJOURNMENT.

At 12.13 a.m. the House adjourned until Wednesday, November 10, at 2 p.m.