

HOUSE OF ASSEMBLY

Thursday, December 3, 1970

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Bills of Sale Act Amendment,
Education Act Amendment,
Highways Act Amendment,
Industrial Code Amendment (Shopping Hours),
Prevention of Cruelty to Animals Act Amendment,
Prices Act Amendment,
Prohibition of Discrimination Act Amendment,
Stamp Duties Act Amendment,
Underground Waters Preservation Act Amendment.

QUESTIONS**CHAIN OF PONDS**

Mr. GOLDSWORTHY: I address a question to the Minister of Works, concerning his amazing lack of consideration towards the people of Chain of Ponds. Can the Minister say, first, why the residents of Chain of Ponds were the last to know that the Government intended to demolish their town and, secondly, what thought has been given to the social and financial implications of the Government's present proposal? The residents are not questioning the need for pollution control, but the first knowledge I had of this move was a telephone call last evening from a highly disturbed resident of Chain of Ponds who had heard in the evening at the local hotel about a Government scheme to take over the township. Later in the evening I received other telephone calls from highly distressed and disturbed constituents living in this township. Not having had any prior knowledge or inkling of this I was unable to verify it, but on the 10.30 p.m. news broadcast last night a full announcement was made that the Government intended to take over the township of Chain of Ponds as part of its pollution control measures. It would be putting it mildly to say that the people are highly distressed and disturbed about this proposal. I point out that a sewerage scheme, of which the people had knowledge had been mooted, but they had no knowledge of the present proposal.

Generations have lived in this township and worked the land for many years, and this is the only way of life they know. In the light of this information, can the Minister explain why the Government has seen fit to ride roughshod over these people in this amazing way?

The Hon. J. D. CORCORAN: First, I should say that the reason why the inhabitants of the township of Chain of Ponds were not notified individually or otherwise was that the Government wanted to make a clear statement of policy about this matter in order to prevent speculation and rumour. Officers of the Engineering and Water Supply Department met the District Council of Gumeracha yesterday afternoon and, I think at 3 p.m., they provided members of the council with a press release which was to be made but on which, in fact, an embargo had been placed regarding publication and inquiry until 10.30 p.m. yesterday. Despite this, some inquiry was made, because it seems that the residents of Chain of Ponds were not the last to know: in fact, they were among the first to know, because they were told by someone in the local hotel last evening. Evidently, this occurred because the embargo placed on the release was not honoured. No discourtesy was intended towards the residents. The honourable member will appreciate that, whatever is done about this type of thing, it will incur displeasure, and the Government is aware of this. We have indicated that we are willing to allow up to a maximum of 10 years before people will be required to move from the area if they do not wish to move beforehand. I think it is important that I give to the House a history of the events leading up to the Government's decision. The Engineering and Water Supply Department has actively engaged on a programme of constructing full sewerage schemes for certain towns in the major catchment areas of the Adelaide Hills that contribute considerable quantities of sewage effluent to streams feeding the major reservoirs. The town of Gumeracha was sewered at a cost of \$193,837; the scheme at Lobethal cost \$628,000; and plans are being prepared for a major sewerage scheme for the Stirling, Aldgate and Crafers area estimated to cost more than \$1,000,000. This project will be considered by the Government early in the new year for reference to the Public Works Committee. The department has actively encouraged the Public Health Department and local councils in the Adelaide Hills to install common effluent drainage schemes in those towns where it considers that

such schemes would provide adequate protection from pollution of the reservoirs from such towns. In 1966, concern for the pollution of the Millbrook reservoir by effluent and other drainage from the town of Chain of Ponds led to a full-scale investigation of the problem and the preparation of a sewerage scheme to serve the township.

The estimated cost of a sewerage scheme to provide for the existing township of Chain of Ponds is \$224,000. This proposition did not proceed, because it was realized that due to the close proximity of the township to the reservoir other major pollutorial sources from the township such as surface drainage containing grease, oil, animal, poultry and yard washings or other domestic refuse would not be prevented by a sewerage scheme. The bacteriological quality of such surface waters in the watersheds is highly variable and, depending on the rate of run-off of faecal coliform, counts so far examined range from 8 per 100 millilitres to over 3,500 per 100 millilitres. When the reservoir is at a low level, which happens for a considerable period each year, these highly polluted wastes travel a considerable distance into the reservoir and reach the outlet. The proposition of constructing a major protective cut-off drain between the reservoir and the township was examined to see whether such waters could be excluded. However, apart from the high cost of such a drain (estimated at \$300,000), the discharge from the drain would have to be discharged into a tributary of the Torrens River and flow thence to the Kangaroo Creek reservoir, there to be ponded and become a constant source of gross pollution to that reservoir.

Further, it was known that the Highways Department had firm plans for up-grading of Main Road No. 33 between Tea Tree Gully and Mannum passing through the township of Chain of Ponds, and this is now proposed to be a 50 miles an hour highway. This would bring Chain of Ponds within 10 minutes of Tea Tree Gully, and it could therefore be expected that there would be a considerable increase in the size of the township of Chain of Ponds as it developed as a dormitory suburb. Once this occurs, rapid eutrophication of the Millbrook reservoir is certain. As an example of the difficulties now being encountered with increased algal growth in the metropolitan reservoirs, due to eutrophication and the enrichment of these waters from waters draining nitrates and phosphates from all sources, from July this year to date a total

of 88 tons of copper sulphate has been used to control algal blooms, as they have reached nuisance proportion. The cost of such treatment has been \$37,000 in 4½ months, of which \$10,000 has been spent on control of algal blooms in the Millbrook reservoir. The adequate protection of this reservoir, therefore, is of vital concern to the water supply of metropolitan Adelaide, and, as can be seen from the above, provision of a sewerage scheme for the township would not only be inadequate and would not deal with other highly polluted drainage from the township entering the reservoir but could also act as an encouragement to the development of the township as a dormitory suburb of Tea Tree Gully when the new main road to Mannum is constructed.

Mr. Goldsworthy: But you will not let us subdivide.

The Hon. J. D. CORCORAN: We are talking about town boundaries and not 20-acre allotments. The problem would become compounded and the situation at present could not be expected to be stabilized or contained. It was therefore considered that the only appropriate solution to the problem would be to purchase the township of Chain of Ponds, and this was investigated. It was found that generally the standard of existing houses in Chain of Ponds was low and that even if a sewerage scheme was constructed many of the houses would not warrant the necessary expenditure for up-grading of their bathroom, toilets and kitchen system necessary before the houses could be connected to the sewerage system.

I think it is important to stress that in fact this is a continuation of the policy of the previous Government, as well as the policy of this Government. Wherever possible the policy has been to provide buffer zones surrounding reservoirs by up to half a mile. Because of the points I have referred to and because of the policy that exists (and I think that policy is correct), we have decided to purchase the township of Chain of Ponds. I hope that negotiations will shortly commence with the inhabitants of Chain of Ponds regarding the purchase of their houses. I assure the honourable member that the Government will do everything possible and within reason to help the people who will be dispersed as a result of the decision. I point out that this action is being taken to protect many, as the honourable member will appreciate. As I have already said, the fact that the Government is prepared to rent back these homes, if necessary, for up to 10 years indicates that

the Government does not want hastily to go into this matter, so causing the due hardship that would result if we were to purchase the town and ask people to re-establish themselves quickly.

Mr. RODDA: Will the Minister of Works say what compensation will be paid to the residents of Chain of Ponds and, as a result of his announcement that there is to be a buffer zone around reservoirs, will he also say what will be the Government's policy on compensation to be paid to residents of other towns that must obviously suffer the same fate as Chain of Ponds? In his reply to the member for Kavel, the Minister said that, for obvious reasons, the Government did not intend to take these people into its confidence and that there had apparently been an information leak. He also said that his Government was pursuing the previous Government's policy. However, I do not think the previous Government had a policy of not telling people about things such as this. It is obvious that the present Government will obliterate this town for reasons that are well understood. However, the people of this community have rights, and Opposition members believe that people in townships such as Chain of Ponds have a right to be told about such decisions. I should therefore like the Minister to tell the House, and more particularly the people in these towns, what will be the policy on compensation to be paid to them, as they must lose their houses if this policy is implemented.

The Hon. J. D. CORCORAN: I should say, first, that Chain of Ponds is unique because it is the only town situated within half a mile of a reservoir. The policy of the previous Government, which was to create buffer zones (and we subscribe to this) up to half a mile from the high-water mark of any reservoir, if that is applied, will mean that no other town will be affected. I want to make perfectly clear to the House that it is not intended to purchase towns wholesale in the Adelaide Hills, Chain of Ponds being the only town so affected. The Government intends to contain the development of townships within township boundaries in catchment areas and these are being defined, in discussion with councils affected. The people of Chain of Ponds had been told, in a public statement, that the Government intended to purchase that township, and I ask the honourable member to consider what might have happened if all the residents of Chain of Ponds had been contacted individually over a period of time. We were

afraid (I think this could have happened) that speculation could have taken place in those circumstances; in other words, people could have sold to unsuspecting buyers, and we could not afford to have that sort of thing happen. For this reason, the council was told first and was given a copy of the press release, and the statement was made publicly. Regarding compensation, as the honourable member knows, the Government has a method of purchasing properties required for Government purposes. The Land Board will be required to value each property; negotiations will be carried out with each property owner individually; and due regard will be had in the valuation to any hardship or difficulty that may occur. I emphasize again that the people of Chain of Ponds know now that they can remain in that area on a rent-back basis for about 10 years. We are not rushing them. I think this period gives them ample time. Of course, I hope that it will not take that long for the town to become completely deserted.

Mr. Rodda: There may be eutrophication over 10 years.

The Hon. J. D. CORCORAN: Well, this is the problem that we have but we can control that adequately, as the honourable member knows. We could remove the source of it, and we are doing that. The member for Victoria, by way of interjection, advocates, by implication, a shorter period of time, but we think that the 10-year period is reasonable. I assure the honourable member that all care will be taken to ease the burden that this decision has brought on the residents of Chain of Ponds. I hope they will accept the decision in the light of the fact that it is important to remove this source of pollution. I think most of the people in the area will realize what the Government is trying to do. Until we start to negotiate, we will not really know the various problems that we may have. Certainly, elderly people may not want to leave the area quickly but, again, the Government has provided for them not to have to do so. I think the decision was correct and the one that the Government had to take: in my opinion to do anything else would be wrong. I am sure that the people of Chain of Ponds, if not now, eventually will agree that the Government had no alternative.

Mr. Goldsworthy: Why were you so—

The SPEAKER: Order! There must be only one question at a time.

Mr. GOLDSWORTHY: Will the Minister of Works say why he considered it necessary

to be so secretive in a matter of such vital and fundamental importance to the residents of Chain of Ponds, that is, a matter involving the destruction of their town and of their way of life?

The Hon. J. D. CORCORAN: I have already explained to the House three times, I think, this afternoon why it was considered necessary that the Government should not approach residents of the town and tell them individually or collectively what the Government intended in this regard. I have said that the Government was afraid that, if any prior knowledge of what was to happen was made known to the residents, although they were the people who would be directly affected, this could lead to speculation, and this was not considered desirable.

Mr. Goldsworthy: You don't really believe that?

The Hon. J. D. CORCORAN: That can happen and does happen, as the honourable member should be aware. I have given reasons for the decision the Government has made. We took this decision because we considered that there was a possibility (and we believed that there should be no possibility) of speculation. The residents of Chain of Ponds were informed this morning of the decision, and they will be contacted individually about the negotiations that will have to take place on the purchase of their homes. For the life of me, I cannot see what possible difference it would have made had I told them a fortnight ago about this and then tried to keep it quiet until we were prepared to make the decision public. I cannot see what the advantage of that course would have been and I defy the honourable member to tell me.

Mr. Goldsworthy: You could—

The SPEAKER: Order! The member for Kavel has asked his question.

DERNANCOURT JUNCTION

Mrs. BYRNE: Has the Minister of Roads and Transport a reply to my question of November 24 about a road junction at Dernancourt?

The Hon. G. T. VIRGO: The Road Traffic Board has not received any application from the Corporation of the City of Tea Tree Gully requesting the erection of a sign at the junction of Lower North-East Road and Rayleigh Avenue, Dernancourt. However, an officer of the board will contact the corporation and discuss this matter.

APPRENTICE PLUMBERS

Mr. HALL: Will the Minister of Labour and Industry urgently contact the Master Plumbers Association of South Australia Incorporated and the Plumbers and Gasfitters Union with a view to negotiating with them to enable the new provisions of the Apprenticeship Act to be applied, taking into account the peculiar problems that the alterations to the Act will cause the plumbing profession? This morning I was approached by representatives of the Master Plumbers Association who assured me that they had the full support of the Plumbers and Gasfitters Union in the approach and who stated that they had seen the Minister but had not achieved what they desired in their first meeting with him. The fear expressed to me was based on the peculiar nature of the plumbing industry, in which many apprenticeships are served in workshops of one type or another. During an apprentice's training of four years in a workshop a comprehensive range of jobs is conducted that are associated with various industries. However, much plumbing training on the job is done outside the workshop and it can be the case (and it is in some instances) that a job will take several years, the apprentices serving on it not receiving training in a comprehensive range of plumbing activities. I was told that this was leading undesirably towards specialization in the plumbing industry, and that the industry in South Australia was not large enough to withstand extreme or even general specialization in plumbing. I was also told that it would not be in the interests of the general public for plumbers to specialize, as this would undoubtedly increase the cost of plumbing repairs and maintenance.

As they are experts in the trade, the association and the union should be able to judge what is required to produce a journeyman, and they are willing to work on the question of what is necessary. Although I cannot speak for the union, the Master Plumbers Association was not approached by the Minister in relation to formulating the legislation that has been passed. It was also stated that the trade is specialized only to a limited extent and that this position should be retained and not fragmented further. Employees who are fully trained in all sections are assured of more regular employment than those who specialize in only one part of it. Also, I was told that the Apprenticeship Advisory Committee was not serving a useful purpose as it had no authority. It was also stated that the new syllabus had not been

viewed by the committee and that no discussion had taken place on the subjects that were included. No opportunity was provided to view results, teaching methods or any other factor affecting the apprentice. It would therefore seem from the approach that has been made to me that there is a real need for an area of co-operation with the plumbing industry.

The Hon. D. H. McKEE: As the Leader pointed out, discussions have been held with the Master Plumbers Association and with members of the unions to which he referred, all of whom were told that the Government was willing to watch the position and to consider the matters that had been discussed. These people were also informed that, if matters did not work out as expected, the Government would be willing to consider the discussions that had taken place, and that is how the matter was left. It was discussed with everyone associated with apprentices, and the proposals were agreed to by all parties, including the Chamber of Manufactures and the Employers Federation, apart from a couple of unions which dissented but which have now accepted the decision of the Trades and Labour Council.

CLEAN AIR COMMITTEE

Mr. RYAN: Has the Minister for Conservation a reply to my recent question regarding the consideration by the Clean Air Committee of the emission of air impurities?

The Hon. G. R. BROOMHILL: The Clean Air Committee was constituted by amendment to the Health Act in 1964 and has met at intervals since that date. Regulations for the control of the emission of dark smoke were made under the Health Act on November 13, 1969, and will become operative on January 1, 1972. The committee has been preparing further regulations for the control of the emission of air impurities. Draft regulations have been circulated to the Chamber of Manufactures, many big industrial organizations with a pollution potential, and some Government departments, for comments. These comments, if any, have been requested by January 31, 1971, and after consideration of the submissions, the Clean Air Committee will prepare regulations for submission to the Government.

BUSH NURSING

Mr. SIMMONS: Can the Minister of Labour and Industry say why in view of the recent award made by Mr. Commissioner Johns, which covers almost the entire nursing

profession, nurses employed by the District and Bush Nursing Society have not received increased salaries, and will he ensure that there is a flow-on of award benefits to persons providing this essential community service?

The Hon. D. H. McKEE: As the honourable member discussed this matter with me yesterday, I have been able to inquire and I find that the new Nurses Award has not yet been gazetted but it is expected to be gazetted today, and the Secretary of the District and Bush Nursing Society will apply to have the award made applicable to the society's nurses as soon as it is published.

WATER RATING COMMITTEE

Mr. COUMBE: Can the Minister of Works comment further regarding the committee that the previous Government appointed to investigate water rating systems? About three weeks or four weeks ago, when I asked the Minister about the committee's findings, he told me that he had received the report and would discuss it with his Cabinet colleagues and departmental officers including, possibly, Treasury officers. In view of the importance of water rating and the interest being shown in it by the community, can the Minister say when the report will be tabled, if he intends to table it, or when he will be able to report to the House on the findings of the committee?

The Hon. J. D. CORCORAN: In reply to a question asked by, I think, the member for Mitcham, I said that the report had not been received then. It was received on the Friday before November 19, the date on which the appointment of Mr. Acting Justice Sangster was announced. The honourable member will appreciate that that is not long ago, and the report is fairly lengthy. I have asked the Engineer-in-Chief to have his officers examine the report thoroughly and to comment on it, but I have not yet received those comments. When I receive them I intend to give them to the Treasurer for examination and comment by Treasury officers. Cabinet will discuss the report when we receive all the comments that we require. The honourable member, therefore, will realize that a statement cannot be made to the House until the matter has been considered, and such consideration may take some time. However, when a decision has been made on the report, if the House is sitting I shall be pleased to make an appropriate announcement, and I see no reason why it will not be possible also to table the report then.

SAND BUGGIES

The Hon. D. N. BROOKMAN: Has the Minister of Works a reply to my recent question about finding suitable land for beach-buggy racing?

The Hon. J. D. CORCORAN: The Minister of Lands has confirmed that applications have been received by the Lands Department from sand buggy groups for areas of sand dunes on which to conduct their activities. Extensive investigations have been made in an endeavour to provide a suitable area, either from land under the department's direct control or within the National Parks complex. To date these efforts have not been successful, principally because of the difficulty in maintaining control over sand drift which is the inevitable result when vegetative cover has been destroyed. It is not always the case that there is vegetative cover to be destroyed. Additional areas along the Coorong are in course of being purchased for inclusion in the Coorong National Park. The question of whether it will be possible to cater for the needs of dune buggy clubs from this land will be looked into when purchase has been finalized. It is not intended to give one specific group rights to an area to the exclusion of other groups. Occupation would only be given on the firm understanding that other groups be permitted to use the land, subject to conforming to normal club rules.

EDWARDSTOWN LIGHTS

Mr. PAYNE: Has the Minister of Roads and Transport a reply to my question of November 12 concerning the Price Street and South Road intersection?

The Hon. G. T. VIRGO: No decision has been made, at this stage, as to whether traffic signals will be installed at the Price Street and South Road intersection to serve the new shopping centre. The responsibility for their installation lies with the Mitcham and Marion councils which, with the Highways Department, are currently investigating the matter. The delay results from the possibility that three sets of signals may have to be installed at this intersection, Raglan Avenue, and Edwards Street, and the fact that it will be necessary to link and co-ordinate the signals.

ADELAIDE RAILWAY STATION

Mr. EVANS: Has the Minister of Roads and Transport a reply to my recent question concerning the possibility of having a subway built under North Terrace at the Adelaide railway station?

The Hon. G. T. VIRGO: The feasibility of constructing a subway under North Terrace has been studied from time to time in response to representations by various parties. These studies resulted in the conclusion that the subway would not remove the need for providing for pedestrians crossing over at street level. Two routes exist from the station concourse to North Terrace: one is represented by the stairway at the southern end of the concourse and the other comprises the ramp leading to the junction of North Terrace and Railway Road on the eastern side of the building. Both of these routes carry heavy pedestrian traffic during the peak periods, and many people cross North Terrace at each of the authorized crossing places. About 24,000 persons travel to the city by suburban services each week day and return each evening.

Although passengers make up most of the pedestrians who use the crossings, a substantial number of persons visit the building daily to work or to transact business with the various offices of the railways and with the Motor Vehicles Department. All these persons would be inconvenienced if required to use a subway restricting access to the concourse level. It is essential that ramp access be provided to the concourse for the use of passengers with pushers, etc. At present, ticket offices are sited at street level, and the interstate and country lines office is at present being remodelled. It would not be practicable to accommodate the ticket offices at concourse level. For these reasons, it would seem that a subway under North Terrace would not remove the need for providing for pedestrians who desire to proceed to and from the station having access at street level. In the circumstances the substantial expenditure which would be entailed in making such provision could scarcely be warranted.

MARINO QUARRY

Mr. HOPGOOD: Has the Minister of Roads and Transport a reply to my question of November 3 concerning the rehabilitation of part of the Marino area?

The Hon. G. T. VIRGO: The "quarry" referred to by the honourable member is a natural gully which constitutes part of a number of individual land titles with separate owners and which forms a watercourse for the discharge of stormwater from the area into the sea. Before the commencement of the reconstruction of Brighton Road, and following an approach from one of the landowners, the consent of the city of Brighton was obtained

to dump into the gully surplus material from roadworks on Brighton Road. Filling was carried out to a height that was governed by the levels necessary to maintain a natural fall for stormwater. Any further fill above this level would have required the provision of stormwater pipes, and agreements from other landowners. Accordingly, and with agreement of the council, filling in this area ceased. The Highways Department now has a more convenient and suitable site on which to deposit its surplus material, with less likelihood of damage to local roads. It is considered that the material placed in the gully has improved the area by checking the severe erosion which was evident. The area was left in a clean and tidy condition. Since the Highways Department ceased dumping in the gully in June 1970, further loads have been deposited by individuals, presumably by private arrangement.

GRASSHOPPERS

Mr. VENNING: Can the Minister of Local Government say whether assistance has been sought by district councils in the Northern areas of the State to combat the hatchings or spread of grasshoppers? Recently, it has been reported that grasshoppers have become prevalent in the Carrieton and Hawker areas, and I wish to ascertain whether an approach has been made on behalf of those councils for assistance in spraying in order to kill eggs in the hatcheries. As you know, Mr. Speaker, this is a serious situation particularly if the grasshoppers spread into the agricultural areas of the State, destroying everything before them.

The Hon. G. T. VIRGO: The reply is "No".

SCHOOL MAINTENANCE

Mr. SLATER: Has the Minister of Works a reply to my recent question concerning lead-based paints being used on school premises?

The Hon. J. D. CORCORAN: Paints used for undercoats and finishing coats are lead free. Lead-based primer paints are used on radiata pine wall structures, because they have proved to be the only satisfactory and economic treatment for such structures. They are, in every case, covered by at least two coats of lead-free paint. Lead-based paints are not used on roofs or areas where water run-off could be used for drinking purposes.

CALLINGTON HILL

Mr. WARDLE: Has the Minister of Roads and Transport a reply to the question I asked on November 24 about providing a second lane on the up-grade of Callington Hill?

The Hon. G. T. VIRGO: The route of the future highway between the proposed Swanport bridge and the end of the South-Eastern Freeway near Callington is still under investigation. Up-grading of the present main road is one of the alternatives being considered. When these investigations are completed, detailed consideration will be given to the Callington Hill section.

LYELL McEWIN HOSPITAL

Mr. McRAE: Has the Attorney-General obtained from the Chief Secretary a reply to the question I asked on August 13 about providing additional facilities at the Lyell McEwin Hospital?

The Hon. L. J. KING: At present the Lyell McEwin Hospital provides a total of 153 beds (108 general and 45 maternity). The Public Buildings Department has been requested to proceed urgently with the preparation of sketch plans for an additional 19-bed ward in a pavilion-type building and other alterations which would provide a net gain of 25 general beds. The preparation of a master plan for the development of the Lyell McEwin Hospital has been under consideration for some time. At this stage it is not considered to be desirable to proceed with the erection of any more single-storey pavilion-type buildings on this site. Pensioners with pensioner medical benefit entitlement have access only to general practitioner services. At the present time up to four patients are admitted to this hospital at a time, without charge to the patient, for conditions that can be treated by the general practitioner requesting admission. Generally speaking, these patients are admitted for a maximum period of one month and only for acute conditions. However, if the pensioner patient requires specialist service of any kind, the patient has to be transferred to one of the two Government teaching hospitals for treatment. A somewhat similar situation exists regarding indigent persons who do not have a pensioner medical benefit entitlement, but some relief is now possible for this group under the subsidized medical services benefits scheme whereby free or partly free membership of hospital and medical benefit organizations can be obtained. However, if such a person cannot meet the cost of the difference between the hospital or medical benefit and the total fee, it becomes necessary to seek the required service at a Government teaching hospital.

Whilst no blood transfusion service as such is centred at Lyell McEwin Hospital, an adequate service is provided from the Red Cross Blood Transfusion Service and Bank which

operates from Royal Adelaide Hospital to meet the needs of private and community hospitals in the metropolitan area and the country hospitals. To justify the establishment of a blood transfusion service at Lyell McEwin Hospital, there would need to be a much greater demand than could come from that 153-bed hospital. To operate a blood transfusion service, it is necessary to have technical staff, accommodation and equipment. A senior technician would be necessary to provide an "on call" service around the clock and this is a classification of staff that has been difficult to recruit. The establishment of a blood transfusion service at Lyell McEwin Hospital will be considered with proposals for the building development of that hospital.

DIPHTHERIA

Dr. EASTICK: Has the Attorney-General obtained from the Minister of Health a reply to my recent question about increasing the promotion of the prophylactic diphtheria vaccination?

The Hon. L. J. KING: The need for immunizing infants against diphtheria, tetanus, poliomyelitis and whooping cough is widely accepted and the infant immunization rates throughout South Australia are generally high. This is not so, however, when the school age is reached. Booster immunization against diphtheria and tetanus is required and recommended in schoolchildren, but it is often forgotten or neglected. The Public Health Department provides free immunization on two full days each week at its branch in Beulah Road, Norwood. Many local boards of health provide periodical immunization services, and many families attend private doctors for this purpose. The chief attenders for immunization at local board sessions and at doctors' surgeries are infants brought by their mothers. Schoolchildren attend for booster injections whenever local boards arrange sessions within the schools. About 25 of the 137 local boards are conducting these school campaigns at present, and it is the policy of the Public Health Department to encourage all other local boards to do so. There is some evidence that additional local boards have begun or are about to begin these school campaigns, especially since publicity surrounding recent occurrences of diphtheria at Port Lincoln and Smithfield. The Munno Para Local Board of Health, in whose area is the Smithfield Plains Technical High School, has always been active in promoting immunization and it has had annual immunization campaigns at schools for some

years. During the first 10 months of this year the board has already ordered 1,130 doses of combined diphtheria-tetanus prophylactic and 1,380 doses of triple antigen. The recent case of diphtheria in that area was a single isolated one. The fact that no secondary cases occurred reflects the high level of immunity in children in the district.

PENSIONER SUBSIDIES

Mr. LANGLEY: Will the Minister of Social Welfare take up with the Commonwealth Minister for Social Services the matter of providing subsidies in connection with club-rooms for the South Australian Pensioners Association and the South Australian Pensioner League similar to the subsidy paid in connection with elderly citizens' clubs? These pensioner organizations, which in many districts have for some years been meeting under poor conditions, existed before elderly citizens' clubs came into being. In several districts there are no elderly citizens' clubs but pensioner clubs whose members desire an opportunity to participate in subsidies in order to provide new buildings, and at present they are denied this opportunity. These pensioner organizations, which are conducted on a similar basis to that of elderly citizens' clubs, have a considerable membership.

The Hon. L. J. KING: I will consider this matter and see whether it is appropriate to make representations as the honourable member requests.

WHEAT QUOTAS

Mr. McANANEY: Has the Minister of Works received from the Minister of Agriculture a reply to my recent question about expenditure incurred concerning the wheat quotas?

The Hon. J. D. CORCORAN: Expenditure incurred to date by the Wheat Delivery Quotas Inquiry Committee is \$3,400. The Wheat Delivery Quotas Advisory Committee reports that the 3 per cent reduction in wheat delivery quota allocations for this season arose from the initial allocation by the committee of about 920,000 bushels in excess of the State quota of 45,000,000 bushels for the 1969-70 season. The committee decided to allow growers the benefit of this allocation, but in order to reduce the figure to the 1970-71 season quota of 36,000,000 bushels it was necessary to revise all quota allocations previously made. This resulted in the State allocation being reduced to 45,275,000 bushels. A reduction of $\frac{1}{2}$ per cent was required to reduce this to

45,000,000 bushels; a further 2 per cent was required to make up for the excess allocation of 920,000 bushels; and a further $\frac{1}{2}$ per cent was required for other contingencies. This resulted in a total of 23 per cent reduction to achieve the State quota of 36,000,000 bushels.

ANZAC HIGHWAY

Mr. BECKER: Will the Minister of Roads and Transport request the Road Safety Board to investigate the congestion that occurs on Anzac Highway opposite the K-Mart at Kurraltia Park? At this point, where there is a break in the plantation that runs along the centre of Anzac Highway, serious traffic congestion is caused by vehicles entering and leaving the K-Mart. I am wondering whether the Road Safety Board could either recommend installing lights or make some better arrangements in order to prevent this congestion.

The Hon. G. T. VIRGO: The function of the Road Safety Council, to which I assume the honourable member is referring, is one of educating people on better use of the roads and on better road behaviour generally, and it is directed primarily to reducing the road casualty and fatality rate.

Mr. Coumbe: I think he was referring to the Road Traffic Board.

The Hon. G. T. VIRGO: This is a completely different matter. I understood the honourable member to refer to the Road Safety Board. If the question relates to the Road Traffic Board, I will certainly take up the matter. However, regrettably, the board cannot at present resolve this matter, as the council must first require the Road Traffic Board to have a look at it. If the honourable member reads the report of the committee of inquiry that was tabled yesterday, he will note that the committee refers to this very question stating that, in its opinion, the Road Traffic Board should be expanded and given more authority to initiate considerations and to install and maintain such facilities as it considers desirable. That is not the position at present, the responsibility in this regard being with the council. I know that in the area referred to by the honourable member a problem has been caused by the establishment of the K-Mart. Frankly, I believe that, if traffic lights are needed (and it would not surprise me if they were), the K-Mart should be willing to provide the finance for them because the K-Mart has been the traffic generator; whether it is willing to do this is another matter. Unfortunately, too many of these supermarkets

are there for a quid and are not concerned with the inconvenience they cause. I will take up the matter.

DAVENPORT RESERVE

Mr. FERGUSON: In the absence of the member for Mitcham, I ask the Minister of Aboriginal Affairs for a reply to the question the honourable member asked recently about the Davenport Reserve.

The Hon. L. J. KING: Following certain published criticisms, I directed an inquiry into affairs relating to Davenport Reserve to be conducted by the Director of Social Welfare and Aboriginal Affairs. The terms of reference of the inquiry were as follows:

- (a) To investigate the reported violence, unrest and dissatisfaction on the reserve amongst the Aboriginal people and its relationship to the work of the Social Welfare and Aboriginal Affairs Department.
- (b) To conduct a study of the administrative structures and procedures on the reserve which cause any legitimate complaint and to make such alterations to the structure to alleviate these problems.
- (c) To identify problems which might need a long-term plan of alleviation and to suggest policies to meet these needs.

I have now received a report. Certain of the Director's conclusions as to facts and individuals must remain confidential. Certain of his findings may, however, be made public. I may summarize the report as follows: In relation to paragraph (a) of the terms of reference the Council of the Aborigines of Davenport Reserve submitted the following comment to the Director about published allegations as to events on the reserve:

The elected Aboriginal Council of Davenport Reserve, representing the people of the reserve, has discussed the recent petition and allegations made in the newspapers, radio and television, and with consultation with the majority of the residents releases the following statement: At no time can residents of the reserve recall a petition asking for a Royal Commission into affairs of the reserve being circulated on the reserve. Council feels that it has strong enough evidence to believe that the petition was circulated through a number of hotel bars and lounges in Port Augusta last Friday night (the Friday before the report was submitted) and many of those who signed the petition did not understand its full implications. Council believes that local political agitators and opponents of Government policy may have used Aborigines in the Port Augusta area, and William Frederick Smith, who is well known to reserve residents, to create mischief and unpleasant feelings towards Aboriginal people in the area. The council and majority of people on Davenport Reserve are sick and tired of

unwarranted publicity given to reserve residents and Government policy. This sort of publicity will hinder the acceptance of Aborigines in the area. Council realizes that drink, scuffles and fights have occurred, but not to the extent which has been reported in the press, and labelling the reserve "in a chaotic state" is entirely unwarranted.

There has been an increase in the number of offences involving liquor and violence by some Aborigines in Port Augusta and this has received considerable publicity. Port Augusta is the transport centre of movement for the North and West and, as such, has a constantly changing population of itinerant European and Aboriginal people. The general body of Aborigines living at Davenport are not involved in this type of conduct. The statistics kept in Port Augusta are for all Aborigines (not just residents of the reserve). The Director (Mr. Cox) summarizes his conclusions on this aspect of his inquiry as follows:

There is unrest and dissatisfaction amongst the residents of the reserve. Some of it relates to the normal feelings of adults in a changing community in which they feel unable to cope; some is generated by the organizational structure and policies of the department through the reserve; and some is generated by the great part excessive liquor consumption plays in diminishing the possible standard of living.

Dealing with the second term of reference, the report discusses the administrative structure and problems. The administration of the Superintendent of the reserve has been called into question by published criticism and it has been suggested that his actions might have caused these problems on the reserve. The report discusses fully the Superintendent's administration and from my study of the facts there is no evidence to support such a suggestion. The administration of a reserve is a most difficult task and it appears that the total administrative framework needed recasting to produce satisfactory policies.

The report recommends immediate administrative alterations to the departmental areas of responsibility in the district. These are now being undertaken and this will clarify the role of the reserve Superintendent and the welfare officers in Port Augusta. These decisions will make the reserve more of a residential community and transfer the welfare matters to the Port Augusta office. The staffing of Davenport Reserve has been similar to that on other reserves and has failed to take into account the special aspects of this reserve. It serves as a transitional area for Aborigines who are awaiting housing or medical services

or are travelling to other areas or are in need of special welfare support. In two months over 400 permits were issued for visitors at the reserve and this presents problems of administration. The new emphasis in structure of administration will provide district services to these people. Additional support and controls are planned for head office and this will lessen the crisis possibilities and reinforce developmental policies. Other specific changes that are in the process of being made are as follows:

1. The revision of the permit system to assist the Aboriginal Council cope with a major task because of the transitional Aborigines.

2. The employment of an excellent Aboriginal welfare officer in the Port Augusta office to augment the staff in town and to relieve the reserve of responsibility in these matters.

3. The improvement of welfare and home advising services.

4. A study of employment and a decision that preference is to be given for employment on the reserve to Aborigines living on the reserve if they are capable of carrying out the work.

5. The re-opening of the hostel temporary accommodation service under experienced management.

6. The appointment of qualified medical sisters to the old folks' home on the reserve.

The last section of the report deals with long-term policies. These relate to housing, education, staffing of reserves, the use of training of volunteers in welfare work in Port Augusta and the future of the reserve itself. They are inseparable from considerations of the future policy structure and operation of the department. These recommendations will be considered when results of the recent inquiry into the objectives and operations of the department are known.

ANDAMOOKA FIRE

Mr. GUNN: Has the Attorney-General obtained from the Chief Secretary a reply to my recent question about fire-fighting facilities at Andamooka?

The Hon. L. J. KING: My colleague has supplied me with a report which states:

Fire-fighting protection and facilities outside of those areas served by the South Australian Fire Brigade are the responsibility of the local government body or community concerned. Andamooka is outside of the areas served by local government. The community at Andamooka could form an Emergency Fire Services brigade by establishing a fire-fighting organization, registering the organization with the Minister of Agriculture under section 27 of the Bush Fires Act 1960-1968, and affiliating to E.F.S. headquarters.

Such a registered fire-fighting organization at Andamooka would be eligible for subsidies, on the purchase of fire-fighting equipment, from the Bushfires Equipment Subsidies Fund Committee under the provisions of section 24 (1) of the Bush Fires Act. Should the community at Andamooka decide to form a fire-fighting organization and set up an E.F.S. brigade, then the Director, E.F.S., would be pleased to advise their committee on the necessary procedures and the type of equipment and training needed to protect the township and any other property to be covered.

DISTRICT CLERKS

Mr. BURDON: Will the Attorney-General say whether the Land Valuers Licensing Act requires council clerks to be licensed and registered? It has been brought to my attention that the clerks of district councils may be required to become licensed and registered under that Act, which has operated since May 1, 1969. If this is so, it prevents these district clerks from carrying out, as they do at present, necessary adjustments of land tax assessments. Having read the Act, I believe that these people are not specifically named therein, although there appears to be some doubt in legal circles whether they are exempted. Will the Attorney-General therefore obtain an interpretation of the law in this regard?

The Hon. L. J. KING: I will examine the matter raised by the honourable member and let him have a reply.

MESSENGERS' DRESS

Mr. WELLS: Will you, Mr. Speaker, as Leader of the House, raise with the appropriate body the possibility of an alteration of the dress of the messengers of this House? This House in its wisdom decided on a modification of the dress of members, who are now using this privilege wisely. However, the messengers and the clerks of this House, who do such a wonderful job for members, are still bound to the traditional dress they are wearing at present. Will you, therefore, Sir, raise this matter with the appropriate body and investigate the situation with a view to obtaining dress reform for these people?

The SPEAKER: The Clerk of the House has asked the Head Messenger to discuss the matter of dress with his staff, and I am confident that satisfactory arrangements will be made as a result of that discussion.

DARTMOUTH DAM

Mr. HALL: Will the Minister of Works say what will happen between the end of this part of the session and the resumption early next year regarding the negotiations on

the Dartmouth dam? I understand that the Premier, on behalf of the Government, is to launch some sort of political campaign in relation to support from other States for his Government's view on the dam controversy. In the meantime, many people in this State are extremely concerned that the advantages open for this State to accept through assenting to the Dartmouth dam may be lost to it. Also, delay is of great concern.

The Hon. J. D. CORCORAN: The Premier discussed this matter with the Commonwealth Minister for National Development (Hon. Mr. Swartz) only this morning and negotiations are continuing. I suggest that, if the Leader is a little patient, he will soon see what eventuates.

Mr. HALL: Will the Minister of Works say whether negotiations being conducted by the Government on the Dartmouth dam proposals are following the same lines as the previously announced Government policy that there must be some acknowledgment of a firm proposal for the construction of Chowilla in conjunction with the Dartmouth dam?

The Hon. J. D. CORCORAN: The Leader of the Opposition will also find this out in due course.

TRANSPORTATION STUDY

The Hon. D. N. BROOKMAN: Will the Minister of Roads and Transport say whether a copy of the report on metropolitan transport by Dr. Breuning and his associate can be made available to the Leader of the Opposition? In reply to a question put to him on this matter on November 25, the Minister said:

... the report has been received from Dr. Breuning and that it was currently being printed because we desired to have copies available, first, for the purposes of full and proper consideration and, secondly, for distribution to those people interested and anxious to know what Dr. Breuning had recommended.

The Opposition naturally falls into that second category. The Minister continued:

The report is currently before Cabinet, which is discussing and considering the implications of adopting the recommendations contained therein.

I take it that the report is being considered by Cabinet, even though it has not been printed. However, there must be more than one copy of the report and, as the Opposition is naturally interested in what has happened and, as the Minister said, is anxious to know what is contained in the report, and because of the passage of time and the lack of action since the Government took office, it would be only reasonable

for the Opposition to be given a copy of the report. The previous Labor Government ordered the Metropolitan Adelaide Transportation Study Report to be printed at a cost of about \$750,000. It did so, saying that it had not accepted the report but that it was enabling it to be studied. However, this is a different situation, as the Minister has said that Cabinet is at present considering the report. Will the Minister therefore arrange for the Leader of the Opposition to be supplied forthwith with a copy of the report?

The Hon. G. T. VIRGO: I do not know whether the honourable member was present in the House yesterday; we all know that he was not here on Tuesday.

The Hon. D. H. McKee: For a very unworthy reason.

The Hon. G. T. VIRGO: I do not want to canvass the reason why he was not here: it was a decision of this House and I do not reflect on it. However, I should have expected the honourable member to be in his place yesterday when a question regarding this report was asked, in reply to which I said that as soon as Cabinet had concluded its deliberations a copy of the report would be supplied to all members of this Parliament.

The Hon. D. N. Brookman: When will that be?

The Hon. G. T. VIRGO: I have just said that when Cabinet has concluded its deliberations a copy of the report will be made available to all members of this Parliament. I do not know how much simpler than that I have to spell out the matter.

The Hon. D. N. Brookman: You haven't spelt it out. When will Cabinet's deliberations be concluded?

The Hon. G. T. VIRGO: I do not know whether you, Sir, have a sledgehammer that I can use to drive home the point I have made in such simple terms. Indeed, I do not think I can make it in simpler terms. The honourable member has said that more than one copy of the report must be available. Being able to make claims like that, the honourable member is apparently a prophet. For his information, the Government asked Dr. Breuning for a report. It received only one copy of that report, and that copy is in the drawer of the desk in my Ministerial office in Victoria Square.

Mr. Hall: Why isn't it before Cabinet?

The Hon. D. N. Brookman: Why hasn't it been printed?

The Hon. G. T. VIRGO: I think I will confine myself to the question asked by the member for Alexandra.

The SPEAKER: Order! The matter will not be debated. The honourable member for Alexandra has asked a question and I think the Minister has answered it.

PORT ADELAIDE OFFICES

Mr. RYAN: Has the Minister of Works a reply to my recent question regarding the construction of a new Government office block at Port Adelaide?

The Hon. J. D. CORCORAN: Sketch plans are being prepared and it is expected that the proposal will be submitted to the Public Works Committee in March, 1971. As well as providing new headquarters for the Marine and Harbors Department, the new buildings will include accommodation for other departments, including police and courts. Present planning provides for the completion of the buildings at the end of 1974.

POP FESTIVAL

Mr. EVANS: Can the Attorney-General say what has been the result of his inquiries about the proposed pop festival to be held at Silver Lake, Mylor, on January 30 and 31 and February 1 next year? As I have explained to the Attorney in a previous question, the people in the area are most concerned about the proposal to hold the pop festival in this area, and I shall explain the points that they have made. Inquiries are being made for car-parking space to accommodate cars for between 20,000 and 25,000 participants. There has been talk of fencing the area and putting the security of it in the control of a person named Richard Anderson, who lives at North Adelaide and who, I understand, has shown a tendency in the past to be anti-social and anti-law and order, and who also seems to obtain much enjoyment from any type of violence. I understand that this pop festival will be conducted on a basis similar to that on which a festival was conducted in New South Wales earlier this year at which drugs were taken and smoked, there were open displays of people having sexual intercourse, and there was swimming in the nude in a pool (and there is a pool at Silver Lake).

The Hon. G. T. Virgo: You must have enjoyed yourself there.

Mr. EVANS: The Minister who interjects is out of order, but I should like to explain to him that the people of Mylor are concerned that this conduct is likely to happen in their area. Persons have reminded me that this

is the hottest time of the year and the activities in this area could start a bushfire. The area is three miles from the State forest, and the residents of Mylor are concerned because there are no adequate provisions for fire prevention or protection. Further, there are not toilet facilities to cater for 20,000 to 25,000 persons, or even 3,000 persons. The people are also concerned because, whilst subdivision restrictions are imposed upon them owing to anti-pollution control measures, this festival will be held on the edge of our main river: that is, just above the high-water mark of Mount Bold reservoir, one of our main reservoirs. The matter is of serious concern to the people of the area, and I do not want the Minister or any other member of the Government to take it lightly.

The Hon. L. J. KING: I have received no official information about what arrangements are being made in relation to this festival, but I have instructed the Inspector of Places of Public Entertainment to inquire to find out the nature of the function and what the arrangements will be and to take all steps within his legal powers to ensure that there are proper facilities (particularly toilet facilities) and that proper arrangements are made for a function of that kind. I have not yet received a report on the outcome of his inquiries about the nature of the function. The honourable member, in asking the question, made serious allegations against a man whom he has named. I do not know the man or anything of what the honourable member has said, and I do not want, by giving this reply, to be taken as associating myself with allegations of that kind.

EXCESS WATER

Mr. HARRISON: Has the Minister of Works a reply to my question about excess water charges in relation to Housing Trust rental houses?

The Hon. J. D. CORCORAN: Variations in charges for water have resulted in the number of gallons that can be used before excess water is charged. This reduction is about 16 per cent and for an average rental house reduces by 8,000 gallons the amount of water that can be used before excess is charged. The Housing Trust has in the past paid part of the excess water cost of its tenants, and it recently determined that it would continue this practice. However, to keep costs within reasonable limits it is necessary to reduce the gallonage for which the trust will pay in line with the new quantity allowed. The following

figures show the rebatable amounts as assessed by the Engineering and Water Supply Department and the gallonage allowed by the trust before excess charges are made:

	E. & W.S. Dept. Assessment 1969-70	Trust Allowance
	gallons	gallons
House Size		
3 rooms . . .	34,000	50,000
4 rooms . . .	36,000	55,000
5 rooms . . .	45,000	65,000
6 rooms . . .	56,000	75,000
Single units .	Various amounts	80,000

So that tenants would have an opportunity to adjust their water consumption, a letter was sent setting out the above details. Each tenant was informed of the actual number of gallons allowable before the excess water charges were made. The new gallonage will not apply until the water rate year 1970-71.

CORONER'S INQUESTS

Mr. MATHWIN: Will the Attorney-General reconsider his reported objection to the holding of coroner's inquests after fatal motor vehicle accidents? I refer to reports in two local newspapers. One report states:

A call for compulsory inquests into all fatal road accidents was today rejected by the Attorney-General, Mr. King.

The other report is of a statement by Dr. Bowering (President of the South Australian Branch of the Australian Medical Association), as follows:

Dr. Bowering said drivers in fatal accidents could have suffered sudden illnesses, or been drunk or otherwise prevented from taking care.

The Hon. L. J. KING: The reply to the question is "No". The view that I have expressed on this matter remains my view. I am surprised that the reason stated to have emanated from Dr. Bowering could be put forward as a reason for requiring mandatory public inquests in all fatal accident cases. No-one has yet explained how holding public hearings in all fatal accident cases would be conducive to the promotion of safety on the roads. In every fatal accident case, the police investigate all the circumstances and a report is made to the coroner in which all relevant observations by the police and statements of all witnesses are set out. The blood alcohol level of any person killed in the accident or of any other person involved from whom a blood alcohol sample may have been taken is also stated. These facts are all reported to the coroner and it is then the coroner's responsibility to decide whether anything further would

be added by hearing oral evidence from witnesses. In my experience, in most cases the coroner holds an inquest into fatal accidents, but there are cases in which nothing further would be added by hearing witnesses. It may be that there are no eye witnesses to the accident who could add anything further, or that what the witnesses have said is so clear that there seems to be nothing to be gained from a public questioning of the witnesses. If the coroner decides that no inquest shall be held, all the information in the report made to him is available to persons who have a legitimate interest in the matter, that is, close relatives or persons who may have civil claims arising from the accident. If anyone with a direct interest requests the coroner to hold an inquest, in my experience the City Coroner invariably holds it. In cases where the coroner decides not to hold a public inquest, and therefore not to hear oral evidence, there remains the power of the Attorney-General to direct that an inquest be held. My practice certainly would be that, if I were requested to direct an inquest by a person having a direct interest in the matter (that is, either a close relative or someone who may have a civil claim arising from the accident), in ordinary circumstances (and one cannot bind oneself in advance to all cases, because there may be special considerations) I would direct that an inquest be held. However, I have yet to be convinced that anything is gained by prescribing that in every case there shall be a public hearing, because it may be a complete waste of time and money and, in some cases, it may be unfortunate. For instance, it would be unfortunate in a case where the only witness to the accident who would have to be examined may be a close relative: perhaps a little child, who would have to be publicly questioned about circumstances surrounding an accident in which both its parents were killed. If the inquest would serve no purpose and would not elicit further facts or do anyone any good, there would be no point in subjecting a young child to the harrowing experience of giving evidence about an accident in which its parents were killed. As I have said, I cannot see that compulsory inquests in all fatal accidents would do anything to promote road safety, and they might have undesirable consequences. Inquests are held in most cases, but they are not held when the coroner thinks that nothing would be gained and where he has not been asked by anyone having a direct interest to hold the inquest.

PARA HILLS EAST SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to my recent question concerning an entrance to the Para Hills East Primary School?

The Hon. HUGH HUDSON: As the honourable member would know, children from the Murrell Road subdivision have difficulty in reaching the Para Hills East Primary School because the subdivision is separated from the school by undeveloped land. The dirt track connection between the two has been used for several years by Lewis Brothers Coach Services, although not at frequent intervals. However, on such occasions if children happen to be on the track there could be danger. The track crosses privately-owned land and land held by the Tea Tree Gully District Council. Parents want a gravelled path made, but they have been unsuccessful both in their attempts to find the owner of the privately-owned land and in their efforts to obtain help from the district council. It is not a responsibility of the Education Department to provide gravelled paths across land 300yds. to 400yds. from the school. However, every effort will be made to arrange a meeting between district council officers and representatives of the school committee in an endeavour to find a solution to the problem.

MORGAN SLIPWAY

Mr. ALLEN: Can the Minister of Roads and Transport say whether any decision has been made by the Government about the proposed transfer of the slipway from Morgan to Murray Bridge? If no decision has been made, will the Government withhold making a decision until after representations have been made by residents of Morgan? The Minister will recall that I have asked several questions about this matter. Last evening a public meeting was held in Morgan (perhaps it could be called a protest meeting) and, having been invited to attend, I attended. Invitations were also sent to the Minister and to the member for Chaffey, but they could not attend, and disappointment was expressed at the meeting that there was no representation from the Government. About 300 people live in Morgan, including children, and 200 adult persons attended at the meeting, so almost every adult person living in that town was present. At the meeting two motions were passed, and they will be presented to the Government by a deputation. If no decision has been made about this matter, will the

Minister withhold any decision so that the deputation can put to the Government the motions passed at the protest meeting held last evening?

The Hon. G. T. VIRGO: First, I (and I am sure I speak for the Government) appreciate seeing the honourable member back in his place in this House, and I hope that, as a result of his sojourn in hospital, he is now fit and well and enjoys better health in future. The position about the Morgan slipway is not one for the Government primarily to decide. I think I have explained before to the honourable member, and I have explained it directly to the people involved (I think about 18 people are employed at the slipway), that the prime considerations are properly in the hands of the Highways Department, which has the responsibility to run its business in the most economical way and in the best interests of the people of this State. It is now considering this matter. I have told the department that I think there is a strong case in favour of retaining the slipway at Morgan, but I am also the first to acknowledge that there is a strong case for its being shifted. I think the basic responsibility for making the decision lies fairly and squarely with the Highways Department, which is charged with the efficient running of its organization. However, I have no doubt that at some stage this matter will be referred to me, and it will also, I understand, be referred to the Premier, because I believe a deputation will be waiting on him soon. The honourable member was, I thought, a little critical because neither the member for Chaffey nor I was present at the meeting last evening. We were in our places in this House, because Parliament was sitting. I am sure that in my reply to the invitation I would have declined it and regretted my inability to attend, saying that I considered my first responsibility was to be in this House when Parliament was sitting, and I am sure that position would also apply to the member for Chaffey.

CUSTODY CONDITIONS

Mr. HOPGOOD: Has the Attorney-General a reply to my recent question about custody conditions at the City Watchhouse?

The Hon. L. J. KING: The Chief Secretary has obtained the following report from the Deputy Commissioner of Police on this matter:

The maximum accommodation in the cell block at the City Watchhouse is as follows:

Male adult:

47 single cells

2 double cells

Total 51

Female adult

5 single cells

1 double cell

Total 7

Male juvenile

4 single cells and a holding room 25ft. 4in. x 6ft. 10in.

Female juveniles, if arrested, are held at the Women Police office until they are either bailed and taken into the custody of their parents or transferred to Windana pending appearance in court the next morning. It is my considered opinion that, in any normal circumstances, there is sufficient accommodation available to cope with current police business, and a stock of 176 blankets is more than adequate to meet these requirements. Prior to the moratorium arrests, 25 persons had already been lodged in the cells for various police and criminal offences and had been issued with blankets, etc. When an additional 126 persons involved in the moratorium were arrested, there was bound to be some inconvenience to all. First, it was impossible to provide meals and accommodation for the 106 adults and 20 juveniles and, secondly, it took considerable time to process and arrange bail for all. The person believed to be concerned would have undoubtedly avoided considerable inconvenience to himself had he supplied his correct name and thus given the police the opportunity to communicate with his parents. He may well have avoided being transferred to Windana at 3.35 a.m. the next morning. I am satisfied, therefore, that all police involved in these incidents carried out their duties to the best of their ability in extremely difficult circumstances.

RUMBLE STRIPS

Mr. COUNBE: Has the Minister of Roads and Transport a reply to my recent question about the legality of rumble strips?

The Hon. G. T. VIRGO: As indicated to the honourable member on November 3, it was my view that crossing rumble strips is not prevented by law. This view has now been substantiated. However, I must point out that the purpose of these rumble strips or safety bars is to control turning movements at intersections, and to discourage overtaking movements on their approaches. In the past, painted medians and double lines were found to be ineffective for these purposes, as more often than not they were abused by impatient motorists. These bars are traffic control devices and may only be installed with the approval of the Road Traffic Board but, as pointed out, the crossing of them is not illegal. Nevertheless, I must say that active steps by

any person to encourage others to disregard the safety bars can only be described as irresponsible and tend to weaken any action taken by the Government and others to increase road safety.

HOUSING TRUST HOUSES

Mr. MATHWIN: Will the Premier, as Minister in charge of housing, consider investigating the number of persons living in Housing Trust houses where the children in the family have grown up and left home? I refer to the present housing position and particularly to the problems of larger families in obtaining reasonable accommodation at a purchase price or rental they can afford. If the larger houses could be vacated and the tenants rehoused in a smaller property, houses would be made available for the larger families requiring such accommodation.

The Hon. D. A. DUNSTAN: I think it would be disastrous for the Housing Trust to suggest that people who had been long-standing tenants of the trust should be pushed out of properties that they had rented from it.

Mr. Mathwin: That wasn't the suggestion.

The Hon. D. A. DUNSTAN: The honourable member is suggesting that we force them into some sort of rehousing of a different kind. Although the trust from time to time makes arrangements at the request of tenants for rehousing them, where rehousing them in a smaller property would be more satisfactory to them, to suggest that we are to bring any sort of pressure to bear on those tenants to leave properties which they have developed over a long period and which have become their family homes would be something that this Government would not countenance.

WATER RESTRICTIONS

Mr. LANGLEY: Can the Minister of Works say whether the Engineering and Water Supply Department intends to wage a campaign asking members of the public to use water carefully during the summer months, and can he say whether the water supply is sufficient to ensure that restrictions will not be imposed this summer?

The Hon. J. D. CORCORAN: Neither the department nor the Government intends to wage such a campaign. However, I think it is reasonable to say that we expect people who are using the metropolitan water supply to take care in using water at all times. It is not intended that a campaign should be launched at this stage, because, if the honourable member

casts his mind back, he will recall the great success of the campaign launched by the Dunstan Government in 1967. The Government believes that, if a campaign is introduced when there is no urgent need to conserve water, it may lose its effect if urgent action has to be taken in the future. Although it is on this basis that neither the department nor the Government intends to mount an intensive campaign, the Government and the department urge people to take every care possible to conserve water.

INDUSTRIAL COMMISSION

Mr. RODDA: Has the Attorney-General a reply to my recent question about rent being paid for the new accommodation for the Industrial Commission?

The Hon. L. J. KING: The Minister of Works states that, under the terms of negotiation, rental is being paid for the accommodation in Investment and Merchant Finance Corporation House to be occupied by the Industrial Commission.

BEACH SIGN

Mr. BECKER: Will the Premier, as Minister of Development and Mines, confer with the Minister of Roads and Transport to see whether a directional sign pointing to West Beach can be erected at the intersection of Hilton Road and West Terrace? Recently, on behalf of the West Beach Ratepayers Association, I asked the Minister of Local Government a question about renaming certain roads leading west from West Terrace to West Beach, and that matter is being considered. The problem the association seeks to solve is that West Beach Road is divided by the Adelaide Airport, and this causes confusion to tourists. If a directional sign stating "West Beach" and pointing towards that beach were erected on West Terrace at the corner of Hilton Road, less confusion would occur pending the decision whether to rename or relocate West Beach Road.

The Hon. D. A. DUNSTAN: The honourable member's ideas of what are the duties of the Minister of Development and Mines seem somewhat strange. I should point out to him that if, as Minister of Development and Mines, I were to confer with the Minister of Roads and Transport and try to get local government to agree to the erection of directional signs to the beaches of Adelaide, I would be expected to see to it that there were signs pointing to

Largs Bay, Semaphore, Henley Beach, Grange, West Beach, Glenelg, Brighton, Somerton, and Seacliff. The member for Alexandra would protest if I did not have signs pointing to Southport and Port Noarlunga. With great respect to the honourable member, I point out that, at the entrance to Adelaide from the major interstate road routes, on the Mount Barker Road there are a number of directional signs in an information bay, and I think that is as far as we can go.

ELDERLY CITIZENS HOMES

Mr. SIMMONS: Has the Premier received from the Prime Minister a reply to the letter that I believe the Premier sent on October 23 concerning the recent increase of 75c in the weekly charge made by Elderly Citizens Homes of South Australia Incorporated to the occupants of its units? Other members and I have received many complaints concerning the increases in maintenance charges which took effect from September 4 last in respect of the homes provided by this association. In nearly all cases the increase amounted to 75c a week for each person. As most of the occupants are pensioners, the increase has caused particular hardship and resentment because the rise in pensions subsequently announced was only 50c, which is less than the proposed increase in maintenance charges for these units. In notifying his tenants of the increases, the manager of the association said that a sum of \$1.06 a unit a week was necessary to cover the cost of repainting the exterior of the units and the replacement of appliances. The necessity of providing for eventual repainting and replacement of appliances is not disputed, but tenants fail to see why these charges, particularly the latter, have to be met from their weekly payments. The appliances were installed when they made their original donation, which was about \$3,000, and may reasonably have been expected to last for the remaining life time of these elderly citizens. I understand that the Premier's letter to the Prime Minister suggested that the cost of exterior repainting and replacement of appliances could be met from the second donation obtained when the units were reallocated on the death of the original applicants. As this practice would eliminate the necessity for the recent increase, the occupants of these homes are eagerly awaiting the result of the Premier's approach to the Prime Minister.

The Hon. D. A. DUNSTAN: I regret to inform the honourable member that I have not received a reply from the Prime Minister.

ABORTIONS

Mr. FERGUSON: In the absence of the member for Mitcham, I ask the Attorney-General whether he has obtained from the Chief Secretary a reply to the question asked by the member for Mitcham about abortions.

The Hon. L. J. KING: My colleague has supplied me with the following information:

On May 11, 1970, Cabinet approval was given for the appointment of a Statutory Committee to examine and report on notifications regarding abortions in South Australia, this committee to be responsible to the Medical Board of South Australia for ethical matters and to the Director-General of Medical Services for statistical matters. Sir Leonard Mallen, M.B., B.S., F.R.A.C.G.P., was appointed Chairman. The committee has met on three occasions since appointment. Following the inaugural meeting of the committee on June 16, 1970, an analysis of statistics as at June 8, 1970, was provided, together with the following comments:

- (a) It seems reasonable to assume, from the superficial information to hand, that medical practitioners are in no way contravening the new Act and its regulations.
- (b) The majority of abortions have been performed by registered specialists in obstetrics and gynaecology.
- (c) A large proportion of the operations have been performed at the teaching hospitals.

Following the third meeting of the committee, the following report and related statistics were forwarded to the Chief Secretary:

The Statutory Committee appointed to examine and report on abortions notified in South Australia under section 82a of the Criminal Law Consolidation Act, 1935-1969, has met on three occasions. The appendix contains the compilation and analyses of statistical data for terminations of pregnancy as at September 8, 1970. Wherever possible, for purposes of comparison, statistics from the United Kingdom are included. When the initial report was made, Cabinet requested that statistics be provided with regard to grounds for termination of pregnancy. This information is included in the appendix, together with statistics concerning type of terminations and post-operative complications. The committee wishes to bring to your notice the fact that it has been reported that women have used false names and/or addresses when consulting medical practitioners with regard to termination of pregnancy. It is recommended that information contained in the appendix be released to the press and other interested bodies.

To date no specific recommendations concerning any possible amendments to the current legislation have been received from this committee.

I ask leave to incorporate in *Hansard* the statistics referred to without my reading them.

Leave granted.

ABORTION STATISTICS

Age in years	No.	per cent	United Kingdom per cent
13-15	7	0.9	2.3
16-19	103	13.0	14.7
20-24	193	24.5	27.7
25-29	121	15.4	18.1
30-34	124	15.7	15.5
35-39	106	13.5	12.6
40-44	82	10.4	5.8
45 and over	18	2.3	0.7
Unknown	34	4.3	2.6
Total	788	100.0	100.0

Marital status:			
Single	298	37.8	47.0
Married	420	53.3	44.4
Widowed/divorced/separated	69	8.7	8.2
Unknown	1	0.1	0.3
Total	788	99.9	99.9

Reason for abortion:			
Grounds	No.	per cent	
Specified medical disorders	98	12.4	
Specified psychiatric disorders	647	82.1	
Potential damage to foetus	39	4.9	
Assaults on persons	4	0.6	
Total	788	100.0	

Status of doctor performing operation:			
	No. of doctors	No. of patients	per cent
Specialists in obstetrics and gynaecology	38	620	78.7
Other medical practitioners	61	168	21.3
Total	99	788	100.0

Residence of patient:			
	No.	per cent	
City	609	77.3	
Country	169	21.4	
Other	10	1.3	
Total	788	100.0	

Hospital where operation performed:			
	No.	per cent	
Metropolitan—public	317	40.2	
Metropolitan—private	399	50.6	
Country	72	9.2	
Total	788	100.0	

Type of termination:			
	No.	per cent	United Kingdom per cent
Dilation and evacuation	451	57.2	41.9
Hysterotomy—abdominal	195	24.8	25.7
Hysterotomy—vaginal	3	0.4	0.6
Hysterectomy	24	3.0	1.5
Vacuum aspiration	109	13.8	25.4
Other	3	0.4	4.5
Not stated	3	0.4	0.4
Total	788	100.0	100.0

Post-operative complications:

	No.	per cent
None	733	93.0
Sepsis	14	1.8
Haemorrhage	23	2.9
Death	—	—
Other	16	2.0
Not stated	2	0.3
Total	788	100.0

Number of terminations notified—on a monthly basis*:

February	29
March	61
April	75
May	106
June	99
July	112
August	132
September	174
October (October figures not yet categorized)	109

(* Month ending 8th day of each month.)

SURVEY DRIVER

Mr. CUMBE: Will the Minister of Works take up with the Minister of Lands the matter of a dismissal from the Lands Department of one of my constituents who has just returned from serving in Vietnam? My constituent has told me that he has been given notice of dismissal by the Lands Department, effective from Friday of next week, because he is suffering from a disability as a result of war service in Vietnam. Before serving in Vietnam, my constituent was employed by the department, and since his return he has resumed his duties as a survey driver. However, he has received his notice of dismissal because, it is alleged, of a disability he suffered while serving in Vietnam, as a result of which he cannot perform his work. If I provide him with names and details of the person concerned, will the Minister take up this matter with his colleague to see whether this dismissal can be averted, so that the person concerned can either be reinstated in his original position or offered another position involving work of a type he can perform either in that department or in another department?

The Hon. J. D. CORCORAN: I should be grateful if the honourable member would supply me with the relevant details. I assure him that the Government will do everything possible to ensure that a satisfactory solution to this problem is found.

SOUTH-EASTERN FREEWAY

Mr. EVANS: Has the Minister of Labour and Industry, in the temporary absence of the Minister of Roads and Transport, a reply to the question I asked on November 17 regarding the South-Eastern Freeway?

The Hon. D. H. McKEE: Officers of the Highways Department are currently investigating alternative routes through the Adelaide Hills to assess whether additional sign posting is necessary to assist traffic that may be forced to detour as a result of an accident on the Mount Barker Road.

At 4 o'clock, the bells having been rung:

The SPEAKER: Call on the business of the day.

PERSONAL EXPLANATION: COURT RULING

Dr. EASTICK (Light): I seek leave to make a personal explanation.

Leave granted.

Dr. EASTICK: On November 24, when this House was debating the Highways Act Amendment Bill, I indicated that a court decision had been made regarding the definition of "substantial" and, as reported in *Hansard* at page 2974, the Minister of Roads and Transport interjected and said that that was not true regarding urban farm lands. The Minister, who is the same Geoffrey Thomas Virgo who was a member of the Marion council from October, 1956, to June, 1959, will be aware that there is a Marion council and that the Marion council was involved in court proceedings with W. D. and H. O. Wills Australia Limited. This was an action in the Local Court of Adelaide and the case was No. 46180 of 1963. The judge (the late Mr. W. C. Gillespie) gave his decision in the matter on May 6, 1964, the pertinent part of that decision being "that 'substantial' means more than half the whole, but how much it must exceed one-half I cannot say".

PERSONAL EXPLANATION: LEAVE OF ABSENCE

Mr. ALLEN (Frome): I ask leave to make a personal explanation.

Leave granted.

Mr. ALLEN: I should like to thank you, Sir, and the members of this House for the many messages conveyed to me during my recent illness. You, Sir, the Clerk of the House, and the messengers all sent me nice cards, and several other members sent a get-well message. I appreciated receiving all these cards and messages, and I should like members to know that their wishes were well received. I was able to keep in touch with the proceedings of the House during my absence

by reading *Hansard*, and my thoughts were with members, particularly around midnight when I was safely tucked in bed and thinking of them working here.

MARINE ACT AMENDMENT BILL

In Committee.

(Continued from December 1. Page 3238.)

Clause 8—"Fishing vessels"—which Mr. Coumbe had moved to amend in paragraph (b) by striking out "one thousand" and inserting "five hundred".

Mr. COUMBE: The amendment deals with the fines applicable in respect of fishing vessels, particularly regarding their design and non-compliance with requirements about the lodging of plans with the department. Whereas the Bill increases the penalty from \$200 to \$1,000, my amendment makes a more realistic increase and one that the fishermen would appreciate.

The Hon. J. D. CORCORAN (Minister of Marine): I accept the amendment. The reason for the steep increase in the fine was that an amount of \$1,000 was not exorbitant, considering that a fisherman who is doing reasonably well can catch up to \$200 worth of fish in a day and also considering that a severe deterrent was necessary to ensure that the provisions of the Bill were complied with. However, because of the honourable member's remarks, the Government accepts the amendment.

The Hon. D. N. BROOKMAN: The Minister has suggested that a fishing vessel is constructed specifically for fishing. Can he assure me that that is the position and that the definition of a fishing vessel does not include what we understand to be a pleasure boat?

The Hon. J. D. CORCORAN: A fishing vessel is determined by an authorization and a licence to take fish for sale. The vessel can be of any size, depending on the authorization issued. That does not apply to pleasure craft.

Amendment carried; clause as amended passed.

Remaining clauses (9 and 10) and title passed.

Bill read a third time and passed.

CAPITAL AND CORPORAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from November 25. Page 3083.)

Mr. HALL (Leader of the Opposition): In the short period of about 12 years that I have been in this House there has been much

debate about the abolition of capital punishment in this State and the discussion has centred around practices in the various countries. Facts and figures have been submitted in respect of countries that have abolished capital punishment and conclusions have been drawn based on a comparison of that information with information relating to countries that have not abolished that form of punishment. Those who have studied the position deeply have difficulty in proving, by figures, anything about the effect of capital punishment and the general range of crimes committed following its abolition. I do not want to add to the many pages of debate reported in *Hansard* on this matter. I oppose the Bill and do so having had the benefit of being in Government for two years. We are not arguing about imposing the death penalty for the general crime of murder that, unfortunately, is reported in our news media. I do not think that those on the side of retaining capital punishment are saying that it should be a punishment for crimes of passion or for unpremeditated crimes of murder. Those are not the crimes that attract capital punishment. In the decisions to which I was a party in the last Government at no time was capital punishment imposed for murder. Cabinet always considered this question deeply, but in each case the sentence for the crime of murder was commuted to one of life imprisonment. Successive Governments will follow these decisions if the legislation remains as it is, because it provides for capital punishment in special cases only.

From studies of statistics we know that these special cases occur in other parts of the world. One can argue about statistics, but it is difficult to compare figures from various countries, and those of the various States in those countries. I take my stand as a former Cabinet Minister who has been involved in a study of practical situations following convictions for murder. I can conceive the situation where capital punishment would fit the crime: the recent kidnapping and murder of a gentleman in Canada is a case for capital punishment. That was a premeditated crime and a premeditated murder. It was not a crime of passion, nor was it committed as a result of some extraneous argument: it was a crime that was planned and executed.

The Hon. J. D. Corcoran: The kidnapping was, but I do not think the murder was.

Mr. HALL: That is for the appropriate tribunal to decide, but assuming that the murder

was planned I believe that capital punishment should be imposed on the people who committed that crime. One can visualize that, as this country grows, crime may become a business, and if murder is committed for payment that crime should be stamped out by imposing capital punishment. That should be a deterrent to that type of crime. Also, it is possible that the killing of a member of the Police Force could warrant the imposition of this punishment. Subject to the circumstances in the instances to which I have referred, I believe that this State should reserve the right to impose capital punishment. I urge the retention of that right because of its value as a deterrent.

We do not argue any longer about punishment fitting the crime. We are not arguing for the imposition of capital punishment for every capital crime, but I am arguing that the right to impose it should be retained and the ability to commute it exercised by the Executive Council of the day. I believe that this gathering of people is a real safeguard against any malpractice or wrongful application of capital punishment. In all my associations with the Playford Administration and with my own Ministers I have never found this a subject that has been taken lightly or considered as a duty easily discharged. It has always been considered a real duty and one that needed the most responsible approach. I do not expect to see capital punishment imposed in Australia except for the most violent crimes of the nature that I have outlined. However, we need to retain this punishment on the Statute Book to enable a specific situation to be met.

It could be that a type of situation could evolve in this State about which we are at present completely unaware. We cannot say that we know all that lies ahead in the maintenance of the freedom of our citizens from the impact of capital crime in its worst form. I do not oppose the Bill vehemently, because I understand the argument (and I am not unmoved by it) of those who wish to abolish capital punishment. It is not something to be retained through prejudice or something to be lightly rejected. I understand the motives that move people in this matter. I believe that we need not, by legislation, confirm what is already practised, because capital punishment is imposed only infrequently, and is likely to be imposed in future only for crimes that will merit it as a deterrent.

Mr. CLARK (Elizabeth): Like the Leader I have been here for many years and have taken part in other debates on this subject. I shall not take the Leader to task for his views: they are his and he is entitled to them, even if I do not agree with them. However, I believe that at no time is there any excuse for administering capital punishment.

Mr. Jennings: And in no circumstances whatever.

Mr. CLARK: Of course. I believe that the right and even the possibility of capital punishment being administered in this State should be taken away by law, and that it should be made impossible for anyone to suffer this punishment. I have held these views for many years and have expressed them frequently and vehemently in this House. I do not have a closed mind on this subject, because I have been interested in it since I was a young man, but I have strong feelings about it.

I hope that this matter will not be debated as a political issue. I do not think it is: it is a moral issue and, even though the policy of the Australian Labor Party has, for many years, been against capital punishment, I hope that that will not influence members to oppose this legislation. It is refreshing sometimes, even on a subject as serious as this, to speak in a debate with complete freedom from political feeling. I completely and unreservedly support the abolition of capital punishment. Dealing, first, with corporal punishment, I point out that clause 4 deletes sections 15, 16, 17 and 18 of, believe it or not, the Children's Protection Act, and thank God the Bill seeks to remove those sections! Peculiarly enough, this so-called Children's Protection Act, under the guise of protecting children, provides for the thrashing of children with birches and canes, etc.

I remember that in 1960, when we were debating a measure dealing with kidnapping, I interjected when the then Premier (Sir Thomas Playford) was speaking, and he chided me and the Labor Party in general with the fact that we had allowed these sections to remain in the Children's Protection Act, and asked whether we would do anything about it. Later, in 1965, when debating a measure similar to this Bill, I was glad to have the opportunity to try to remove these sections from the Children's Protection Act. At present male children from eight to 16 years can be flogged, birched, or whipped for

offences such as exposing one's person, behaving riotously in a street or thoroughfare, using indecent or obscene language in public, singing obscene songs or ballads in public, throwing stones or missiles, for drawing pictures publicly, placing obstructions on railway lines and for certain other offences that are more or less serious, according to how one regards the seriousness of the action. The Act provides that 25 birch strokes may be administered. Obviously, some of these offences are more deserving of punishment than are others, but I do not think that matters, because I do not believe that children between the age of eight and 16 years should at any time receive up to 25 strokes of the birch.

Mr. Evans: It's a long time since they did.

Mr. CLARK: That does not alter the fact that the law is on the Statute Book, and I think it should be removed. Whipping is nothing new; it is probably the oldest form of punishment in the history of man, and we can go back to the Mosaic age and probably further. Up until about 1800, whipping was the most popular form of punishment for nearly all offences. One recalls how popular this form of punishment was in the old slave days, when slaves were often whipped to death. Of course, whether or not they were whipped to death depended largely on whether slaves were plentiful at the time or on what was the current cost of slaves. Fortunately, we have more kindly thoughts about such things nowadays.

I do not believe that flogging, birching, caning or whipping acts as a deterrent, and I have never seen any signs that it does. In the past, the cane was often used in schools, but I did not see many signs that it was efficacious in instructing children or in getting good behaviour. I believe that the person administering the whipping, as well as the person being whipped, becomes debased and degraded. Ironically, under the Children's Protection Act, provisions exist for whipping children in order to protect them. Obviously, these provisions are seldom used, but the law exists, and I think we should get rid of it. I shall be proud if I have helped repeal this law.

I refer now to what I suppose is the kernel of this legislation, namely, the abolition of capital punishment. The Leader of the Opposition referred to three offences concerning which he thought capital punishment should be continued, but I do not agree with that. Although I am not saying that the State does not have the right to take human

life, I am saying that the State should never take advantage of its right, for I believe in the sanctity of human life. I am not condoning murder in any shape or form; I know that it is a dreadful offence in all circumstances, but we cannot revert to the Mosaic code and demand an eye for an eye, a tooth for a tooth, and, indeed, a life for a life. I am proud that this has been Labor policy for many years. We must keep firmly in mind the fact that capital punishment is so final and that in most circumstances it amounts to unspeakable torture that is completely unrefined. On this matter, the famous Russian author, Dostoevsky, said:

But the chief and worst pain may not be in the bodily suffering but in one's knowing for certain that in an hour and then in 10 minutes and then in half a minute and then now—at this very moment—the soul will leave the body: and that is bound to happen: the worst part of it is that it is certain.

Once capital punishment has been administered, there is no reprieve and no getting out of it. If we are to deprive a person of his life we must be certain about it, but I do not think we ever can be, for no-one is infallible. I refer here to the words of a gentleman who was the public hangman in the United Kingdom for many years. In 1949, questioned before the Royal Commission, Mr. Albert Pierrepoint had the following dialogue with the questioner:

Q. What happens if a prisoner faints at the last minute?

A. They carry him to the scaffold.

Q. But what happens if he gets to the scaffold and then faints?

A. He has to go just the same. They pull the lever and away he goes.

Q. Supposing he faints before you get him to the scaffold?

A. We would have to carry him there.

The Hon. L. J. King: It actually happened in Victoria at the last hanging.

Mr. CLARK: Yes. This dialogue continues:

Q. And put the rope around his neck.

A. Yes, there is an officer on each plank holding him up.

Because of his extreme terror, this person was unaware of what was going on.

Mr. Mathwin: How sorry you are for the murderer.

Mr. CLARK: That is an unfair remark; I am sorry for anyone who is forced to suffer mental anguish. I think that the honourable member will realize that my sorrow is expressed to all those concerned with the person murdered. As I have said, I do not condone murder: that is the last thing I would

attempt to do. However, I still believe that no human being should have his life deliberately taken away from him. I think that the brief dialogue I have read gives a sad and sordid picture of hanging, by the man who did the job, and he apparently did not feel much compunction about it at all. I do not query the State's right to administer capital punishment, but I do not think it should exercise that right. By supporting the Bill, I am trying to make sure that that right is no longer exercised in South Australia. Capital punishment is final and irretrievable, and is subject to error. Of course, it prevents the recurrence of the same crime by the same individual, but what if he were not guilty? Through history there are many instances of people being sentenced to death, hanged and then found to be innocent. If only one instance of this could be quoted it would be as strong an argument as I would need for the abolition of capital punishment. After all, no-one is infallible. I do not think that even the most arrogant member of Parliament would claim that he was always right.

Many reasons can probably be given for a mistaken conviction, such as possible mistaken identity, perjured testimony (although this does not happen much these days), a genuine mistake, fallibility of the senses, lapses of memory, errors of judgment, and undiscovered evidence. Sometimes (and I hope this does not happen often) there is a strong public clamour for conviction; sometimes there is strong public agitation and feeling about a case. I will quote a few instances of people who have been hanged and in fact should not have been hanged. In his second reading explanation, the Attorney-General referred to the wellknown cases of McDermott in New South Wales and of Evans and Christie in the United Kingdom. In 1721, William Slater was hanged for the murder of his daughter. About a month afterwards a suicide note was found from the daughter, but this did not help Slater, who had already been hanged. In 1727, James Crowe was hanged at York and later another person confessed to the murder and was proved to have been guilty. This was a case of mistaken identity. In 1736, Jonathon Bradford was hanged for murder. A later confession proved that he was innocent and that someone else had committed the crime. In 1742, John Jennings was hanged at York, someone else later confessing to the crime. In 1815, Eliza Yennings was hanged for a triple murder and was later conclusively proved to be innocent.

In 1876, William Hebron was convicted of murder. He was fortunate in one sense in that, as he was only 18 years of age, there was a public clamour that he should not be hanged. He was reprieved, given a sentence of life imprisonment, and it was later found that the murder had been committed by the notorious criminal Charles Peace. Although this young man was imprisoned for some time, his life was allowed to him. In 1909, there was the famous case of Oscar Slater, who was convicted of murder. As a result of public clamour he was not hanged but condemned to life imprisonment. After he had served 18 years it was proved conclusively that he was innocent and that someone else had committed the crime. He was fortunate because he had been reprieved and had not been hanged. I could quote many more cases, but I do not have the time. In all of these cases, the guilt of the convicted persons was thought to be proved beyond reasonable doubt. As Marshal Lafayette once said, "I shall ask for the abolition of the death penalty until I have the infallibility of human judgment presented to me," and so will I.

At times it has been said (and the Leader said this this afternoon) that capital punishment is a deterrent. However, there is no proof of this anywhere, and I defy any member who opposes this legislation to produce evidence that in fact capital punishment for murder is a deterrent. I have checked carefully through some interesting volumes and have come across the *Annals of American Academy of Political Science* wherein there is an interesting fact (and this is not guesswork but a scientific assessment of records over the years), as follows:

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

That is an accredited decision that should confound most people who support capital punishment. After studying figures from Norway, Sweden and Holland and finding 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.

I believe that at the time of a murder the fear of the death penalty is relative to the immediate and present situation. Although I am not a medical man or a psychologist, I believe that heightened emotions in a crisis interfere with an objective assessment of future conse-

quences. We ask ourselves whether individuals think of the death penalty before they kill or whether this is brought home to them after they have been apprehended and sentenced. Most people do not regulate their lives in terms of the pleasure or pain resulting from their major actions. It is nowhere near as simple as that, and this is particularly exemplified by the fact that a crime is motivated by a certain passion, not only by love, loyalty, ambition, jealousy, greed, lust, anger, envy, resentment and many other things. Most people who premeditate a crime are so affected by their emotions that little room exists in their minds for them to fear the consequences. I should not like to suggest that fear of death is not a real emotion, but I believe that 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 has been apprehended, when the fear is concrete and imminent.

It is well known that back in the good old days, during the long reign of King Henry VIII, 72,000 thieves and murderers were sent to the gallows. Although they knew the penalty for their crimes, 72,000 persons took the risk. Probably many more than that number did, because only those were apprehended. During the reign of Elizabeth I, 19,000 people were executed. Executions were held in public, and pick-pockets, knowing the penalty for their action, committed offences while executions took place. Executions were a real harvest for pick-pockets, who would continue committing offences while another pick-pocket was swinging on the gallows. I should like again to refer to the *Annals of American Academy of Political Science*, part of which 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.

I am happy to repudiate such a belief also. I believe capital punishment to be an inhuman and unchristian survival from long ago. I do not suggest, however, that our ideas of punishment have not improved. If one thinks back, one can remember some of the punishments inflicted in the old days, such as burning at the stake, crucifying, boiling in oil, burying alive, or hanging, drawing and quartering. I do not want to go into the unsavoury details of the latter, but if any member wants to read about it I suggest he look it up. It was a dreadful punishment, and one would not think it possible

that a person could think up such a punishment. I may be accused of being sentimental and emotional; perhaps I am. If I am so accused, I shall be happy to plead guilty to it. After all, I am in good company if I do. I remember reading about famous reformers of about 100 years ago. Sir Samuel Romilly introduced into Parliament a Bill to abolish drawing and quartering. He was told that he was breaking down the bulwarks of the Constitution. I do not know whether the House of Lords told him that.

Mr. Jennings: Was he a Tory?

Mr. CLARK: I do not know what his political beliefs were. I think I know, but I could be wrong. I suppose charges of being sentimental were laid against those who worked to abolish slavery, child labour and similar things. However, all those activities were curtailed, so I am happy to be in such good company on this occasion. As I tried to say in reply to an interjection by the member for Glenelg, which I am sure was made in a kindly fashion, I am not sentimental for one minute about murderers.

Mr. Mathwin: You were very hard on me.

Mr. CLARK: No, I was not. I was being nice and polite, as is my usual habit. I know that murder is a terrible thing and that the offender must be punished. I know, too, that any man about to be executed is being executed for something he has done, something that has caused grave physical and mental agony to others, and I do not condone this offence. However, I value human life. I should now like to quote Victor Gollancz, something which I have done before and about which I make no apology. In his publication *The Heart of the Matter*, he referred to a sentenced man waiting to be executed, and he tried to picture in his book the feelings of the man who must go to the gallows. I do not know whether the member for Glenelg again thinks that I pity murderers. I do not pity a murderer as such but as a human being, and possibly a mistaken man, and certainly a man who has done something that is irretrievably wrong. However, I do not believe his action can be retrieved by the taking of his life. Gollancz said:

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 behind 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: not 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.

They are indeed emotional words, although horrifyingly true. I cannot agree that even the crime of murder warrants such mental cruelty. I do not believe that the fear of death holds any great terrors for most of us, but I am certain that thought of an untimely and inevitable death getting closer and closer would hold terrors for us all. It would be terrible for one to think that in 28 days, unless something happens to alter the sentence, one will die. I do not know why a condemned man must wait such a lengthy period before his sentence is carried out: perhaps it is done to enable him to make peace with God. When a person knows that an untimely and inevitable death is getting closer, that holds terror for him. I cannot subscribe to judicial killing in the name of the law, and I cannot imagine how anyone else can subscribe to it. I am proud to be a member of the Government that has introduced this Bill, and I hope that I shall be able to be proud to be a member of the Parliament that passes it. We argue fiercely about legislation that does not mean much in the long run. However, this legislation is important and I hope that, if it is passed, it will be remembered long after many of us have been forgotten.

Mr. EVANS (Fisher): I have always opposed capital punishment in most cases of murder. The member for Elizabeth has made me consider what it is like for a person to know that he will be killed. Does a person who goes to the gallows think of that? Not long ago, in a case involving two young men, one of them tried to strangle a person and

then the two of them played cards to decide who would make the second attempt. They tried using weedkiller and then they smothered the victim. I wonder what their thoughts were.

Mr. Clark: Do you think they were sane?

Mr. EVANS: I wonder whether they thought about going to the gallows. I had not considered that matter until the member for Elizabeth spoke.

Mr. Clark: It works both ways, don't you think?

Mr. EVANS: I agree, and I am sorry for close relatives of either the murderer or the murdered. The member for Elizabeth has made a speech similar to the one he made in 1959. We can name about 12 cases in the last 200 years in which there has been doubt about the guilt of those on whom capital punishment has been inflicted. Perhaps it has been inflicted unjustly in some cases: some persons may think that that sentence has been unjust in all cases. I mention the case of Christie and Evans. I do not think Evans was ever proved completely innocent. In the case of the child murdered, there is still doubt that Evans was guilty of that offence.

When we are considering capital punishment, at a time when there is a tendency to be a little against law and order, I think we need to retain it on the Statute Book (and I am not completely in favour of it) to cover cases involving, for example, our Police Force, where a person is imprisoned for murder, without being sentenced to capital punishment, and then, in trying to break out, kills a warder or a police officer, or both. I consider that in those circumstances there is justification for retaining the death penalty, but as a punishment, not as a deterrent. I do not think a murderer thinks about what may happen to him.

Some murderers who premeditated would realize that if they were caught they would get the death penalty. That will cross their mind, but their mind may be warped and they may think that they are so clever that they can evade the law and avoid being found guilty of the offence. I agree with the Leader that, where a murder is committed in connection with a business transaction, that is one of the most serious crimes and, if it has not happened in this country yet, it will happen. Murders of convenience have been committed by the criminal element, including that element in Australia, and many offenders have not been apprehended because it is difficult to apprehend people in a world where tongues are

kept still for fear of what will happen to a person who speaks.

Another crime for which we need capital punishment as the penalty is the one in which a prisoner kills another prisoner after having been planted deliberately in the prison to dispose of someone. This has happened and is likely to happen again. That is a premeditated crime committed by criminals whose minds are warped, not in the sense of being sane or otherwise, but in the sense that killing is a legitimate way for him to obtain a living. Some of these offenders are clever in their approach to what they regard as their profession.

When we think on these lines, it is hard to say, perhaps, that for these reasons capital punishment should not stay. The Executive makes the final decision and, in most cases, regardless of what Government is in office, the Executive comprises sane men who make sane, sensible and just decisions. Most of the cases that the member for Elizabeth has mentioned date back to a time when apprehension was, perhaps, more difficult but the application of the law was easier and society accepted the death penalty a little more readily. That penalty was accepted by the community as a whole but today it is not, and those in authority know that our society will accept the imposition of capital punishment only in extreme cases.

If members think back over the last few years, they will realize that very few of the persons found guilty of murder have had the death penalty imposed on them and carried out. It has been imposed on some and then commuted. The thoughts that go through a person's mind before he goes to the gallows must be a great strain and that is a punishment in itself, but not a satisfactory punishment. What disappoints me about our law is that we gaol a person for "life", which is normally accepted as being about 20 years, and, with remissions for good behaviour, they may be released in about 10 years. They may then commit a similar crime again. To me, that is the greatest crime committed.

I consider that, if we do not accept capital punishment, the most satisfactory punishment for murder, particularly callous types of murder, is to gaol a person for his natural life and release him only if he is proved to have been innocent. We do not gaol people for the term of their natural life: with good behaviour, after a few years in gaol, prisoners become free and sometimes become good citizens. The member for Elizabeth traversed

200 years and referred to those who had been wrongfully sentenced to death, but I wonder whether the death penalty saved more than 14 people from murder. That can never be proved, and there is no proof by comparing one country to another that the death penalty increases or decreases the number of crimes of murder. The way of life in each country, the size of the population, and the economic times in each country differ from those conditions that applied in the last century.

Perhaps many people in those earlier times considered that they were better dead rather than continue to struggle in a society that was difficult. We have improved society throughout most of the world, although there are many areas in which it can still be improved. I shall support the Bill if the amendments to be moved by a member on this side are accepted. I believe that we are justified in retaining this type of legislation if only for the case of the gaol escapee who has been imprisoned for murder, who takes the life of a policeman or warder, or even of other people, when escaping. I cannot support capital punishment for crimes caused by emotional reasons, but consider that, in those cases, imprisonment should be for the term of the natural life. I dislike capital punishment because it is irreversible.

The Hon. L. J. King: That applies to any type of murder.

Mr. EVANS: That is the case that worries me. Where a gaol escapee destroys a police officer or a warder there can be no doubt that he has committed the crime, and in that case, if the court decides that he is guilty and Executive Council decides that there is no doubt about it, I consider that the death penalty should be imposed.

The Hon. L. J. King: You have the same possibility of error.

Mr. EVANS: No, because it is in a much smaller field, and there is no difficulty in proving the crime. I support the Bill, hoping that the amendments of a member on this side will be accepted. I believe that introducing this Bill in order that it should be discussed (and perhaps amended) has been a sensible move.

Mr. CRIMES (Spence): I strongly support the Bill. The abolition of the death penalty has long been a plank of the Australian Labor Party platform and one in which I have been greatly interested. I am gratified at being able to support the implementing of that section of Labor's policy. I think I am

correct in saying that this is the policy of all Labor Parties in the Western world.

Mr. Mathwin: The member for Elizabeth hoped that politics would not come into this.

Mr. CRIMES: The honourable member talks about politics when he means Party-politics. Politics is the science of Government. We have a saying that two wrongs do not make a right. It is wrong for an individual to take the life of another individual, but that does not justify the State's taking a life. Several years ago the death penalty was abolished in the United Kingdom by a Labor Government, and there has been no factual evidence presented since then to prove that the British people or members of the Police Force want to see the return of capital punishment.

Mr. Rodda: That's not right.

Mr. CRIMES: In any case, this Bill merely establishes in Statute law in this State a policy that has been followed by Labor Governments and, in part, by Liberal Governments of this State. Implementing this Bill (because there is certain to be a continuation of a Labor Government in this State) would validate the action that has been taken on the rare occasions when the crime of murder has been committed. The principal Act refers to "death", "whipping", and to the term "felon", but I suggest that these are not terms that are expressive of the modern and humane approaches that are increasingly made towards this question today. They are expressive of a traditional, conservative, and mid-Victorian approach to what was at one time regarded as the "lower orders", people who were to be treated as less than animals and were generally treated more cruelly than animals were ever treated. The contents of a report on capital punishment issued in Ceylon in 1959 are relevant to this Bill, because that report states:

In none of the many countries which have suspended or abolished capital punishment has a consequential increase in the murder rate been shown to have taken place, and in some of them, for example, in the United States of America and in Australia, the States which retain capital punishment present virtually identical conditions to the States which have discontinued it.

The report continues:

It is morally wrong for the State in the name of the law deliberately to take life. Capital punishment itself denies the sanctity of life, which is an essential value for the State to support, and the disregard of this value tends to lower respect for life in the public mind.

The member for Elizabeth said that a public hanging was almost the occasion for public entertainment. In other words, it dragged down respect for the sanctity of human life.

Mr. Hopgood: And for the law.

Mr. CRIMES: Yes. In the United Kingdom, a Royal Commission on capital punishment was appointed, and it considered this matter from 1949 to 1953, so that it must have been a comprehensive investigation. Dealing with released murderers, and referring to various States of Australia and to other countries, the report of that Royal Commission stated that in New South Wales a released murderer seldom came again into conflict with the law in connection with a serious offence. Regarding Queensland, there was only one case on record in which a released murderer was subsequently convicted of attempted murder, another being convicted for an assault and another for a sexual offence. In South Australia, no such prisoner had been returned to detention for breach of conditions. According to the Royal Commission, in Canada the average of failures was estimated to have fluctuated around 3 per cent. In New Zealand, no prisoner, I believe, had broken any of the conditions of his release, committed any offence, or been returned to prison. This suggests that there is justification for saying that there can be a rehabilitation period in prison after which a convicted murderer can return to normal life.

According to the report of the Royal Commission, in South Africa recommitments of a released murderer were extremely rare occurrences. The report stated that the general position in the United States was that cases of murder committed by persons paroled from the death penalty were rare if not almost unknown. In Britain, of the 76 murderers released between 1955 and 1960, only two were subsequently convicted of any crime of violence. We must have regard to reports of this nature. If the Leader is correct in saying that we cannot rely on statistics, I ask him on what else we may rely. After all, these statistics reflect facts about the imposition of the death penalty. The Ceylon report, to which I have referred, stated that there had been many established cases of the conviction of innocent persons in England, the United States and Europe and that the execution of innocent persons in Ceylon was equally possible if capital punishment were reintroduced. That debate took place in connection not with the abolition of capital punishment but with rein-

roducing capital punishment, and it seems to suggest that Ceylon, which might be regarded as a less progressive country than Australia, was in humane terms far ahead of our thinking. No punishment of the individual is comparable with death, which involves extinction of personality. The abolition of capital punishment will have no adverse effect on the community, whatever other social changes are taking place.

To retentionists, the time for a change is never opportune: if the murder rate is increasing, they say, "Not now", but, if the rate is decreasing, they say, "Not yet." Reference has been made to the poor victim; indeed, we must all have regard to the feelings of the victims and their dependants. This matter must be considered by all Governments where abolition of the death penalty is contemplated. In Great Britain, in June, 1964, a Criminal Injuries Compensation Board was set up to provide *ex gratia* payments to victims and their families, and this matter should be considered by any Government that seeks to abolish the death penalty. In considering this matter, we must also have regard to the Christian attitude, the Christian ethic and the Christian appeal. In 1948, the Archbishop of Canterbury, a person of great stature concerning his opinions on the taking of human life, said:

Within the church itself and in the world, so far as is practicable the law of life, with its power to forgive, to convert, to reform and to refashion must permeate and shape the application of the law of punishment.

Considering the situation in the broader sense, we find that article 6 of the Covenant of the United Nations on Civil and Political Rights states:

Every human being has the inherent right to life. This right shall be protected by law. No-one shall be arbitrarily deprived of his life. Referring to countries that have not abolished the death sentence, the covenant states:

This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

Then, significantly, at the end of article 6, it states:

Nothing in this article shall be invoked to delay or prevent the abolition of capital punishment by any State, party to the covenant.

This assumes that the trend is towards the abolition of the arbitrary taking of life by the State. In 1966, a rather curious remark was made by one Sir Henry Bolte.

Mr. Hopgood: He's always doing that.

Mr. CRIMES: Yes. Sir Henry Bolte said, referring to the case of Ronald Joseph Ryan:

I notice the people who are protesting, in the main, are the same people who campaigned on Vietnam.

This is a compliment to the people who protest against the murder that is taking place in Vietnam at present, and it is an indication of the humanity of those who object not only to the imposition of the death penalty but also to the unnecessary, immoral and unjust taking of life in any circumstances whatsoever, including those circumstances we are witnessing in Vietnam today. Although it may be claimed that it is more costly to gaoil murderers and to maintain them than it is to hang them, I suggest we bear in mind a cost that we so rarely consider, namely, the cost of killing people in war in circumstances where we deliberately prepare people in our community to murder people for unjust and immoral purposes. In saying that, I make no attack on defending Australia, for I wholeheartedly agree that we should defend our country. If we abolished the sort of killing to which I have referred we would have no compunction about agreeing to the cost of maintaining in prison people who offend against the law with a view to rehabilitating and reforming them and returning them to society to live in a civilized and humane way.

Finally, I will quote Dr. Maxwell Charlesworth, who is Senior Lecturer in Philosophy at the University of Melbourne and who has written a treatise on the moral issues of capital punishment. He states (and I return again to the Christian approach to this question):

For, the Christian it is (or ought to be) the evil of murder that is the object of our hate and aversion and indignation and outrage, and not the evil-doer . . . We must hate the evil of murder and work against the social conditions, etc., that make it possible, but we must love the murderer and see the retribution that is justly visited on him in the wider context of rehabilitation.

That is the basis of the Bill—that we are trying to save lives, perhaps lives which are evil or have been evil, but lives which can be rid of their evil and the people rehabilitated and returned to a society in which they can serve themselves, their family, and their fellow man. I strongly support the Bill.

Dr. TONKIN (Bragg): I think that no-one can deny that in the present day crimes of violence are increasing and becoming accepted as a way of life. We see them in television programmes either in reports of facts or as fiction based on fact. Indeed, I think the tremendous appeal they have for

some people is the bit at the end thanking some Police Department or other. Violence is symptomatic of our present way of life. We have communities living in fear; we are seeing suburbs in North America almost returning to the fortified village stage where people are afraid to go out at night, and barricade themselves in their houses. There are far more tensions these days in our community and family living. These symptoms are manifested in juvenile delinquency, adult violence, drug dependency and organized crime. The underlying cause (and I make no apology for referring to this again, because I believe it to be one of the most important subjects with which we will have to deal in the next few years) is the population explosion. We have a battery syndrome, as it is called in the medical profession, of people living in cramped conditions in high-rise housing developments. It does not necessarily follow that they have to be in high-rise housing developments either, as this applies to people living in close proximity in low-rise, low-class slum areas. These people are losing contact with the source of life support, and this applies to young people particularly. They are suffering a lack of family communication and support, a lack of educational facilities, and a lack of job opportunities because of the expanding population, and thus they are subject to increased pressures and tensions. Thus we have an increase in violence. The member for Rocky River is not sure on which side of the fence I stand.

Mr. Venning: I am waiting patiently.

Dr. TONKIN: I thank the honourable member. I am very much against capital punishment for unpremeditated murder. I do not have a whole list of figures and I have not gone back into history. I appreciated the speech of the member for Elizabeth, although I was disappointed in the speech of the member for Spence. Perhaps his motives were right, but he managed to make his speech fairly political, and I do not believe this is a political subject. Although he denied being Party-political, he definitely was. I will, however, quote from the Home Office report on murder of 1967-68, which gave many aspects of the case for and against the abolition of capital punishment. The most significant part of the report was the summing up, as follows:

The most striking conclusion that emerges is the relative constancy of the murder pattern. It remains mainly a personal or family crime, committed for emotional reasons.

In these conditions, murder is a very personal thing. This will explain to the member for

Fisher why no statistical evidence that capital punishment is a deterrent can be found, whether it be from country to country or from city to city. It is impossible to find whether there is any correlation between the death penalty and the number of murders committed.

The death penalty was first introduced for the preservation of social order in early times, and it may or may not have been necessary. It probably saved much trouble and may have kept people in line purely and simply by fear. I believe it was largely directed against premeditated murder, but murders are mainly committed for social reasons. They are committed by a person in a rage or under extreme emotional stress, and no-one in these circumstances stops to think of the consequences of his action. Such a person frequently does not realize what he is doing and acts on the spur of the moment. To these people capital punishment is not and cannot be considered to be a deterrent. Can we justify capital punishment in these circumstances? I agree with the member for Elizabeth that this is a most irreversible process. To quote the road safety slogan, "Death is so permanent", and indeed it is. No human institution is infallible, and miscarriages of justice can and will occur. Although everyone is most sympathetic with regard to the murdered victim and his relatives, how much good does it do the executed man, especially when he is innocent of the crime, to be sorry for him afterwards? How much good does it do to give such a person a posthumous pardon to clear his name? I have no doubt that this makes the family feel much better. As my children would say, "Big deal". It does not help this man.

I will go one stage further and say that, given the right circumstances, we are all capable of committing murder; it is inherent in everyone's make-up. We have inhibitions and behaviour patterns that have built up over the years. In 999 cases out of 1,000 this will be enough to keep us on the straight-and-narrow path, but just one set of conditions can cause any member of the community to commit a crime. Because of circumstantial evidence, people can be found guilty of murder and executed. It is futile to say that this cannot happen. Members should consider that they could be convicted of a murder that they did not commit. If there is the slightest possibility that this will happen, I am opposed to capital punishment being retained on the Statute Book. However, I have one proviso, to which I have referred before: I believe that premeditated

murder should be punished, particularly if it affects members of our Police Force or prison officers. The Leader of the Opposition said that, if we kept the legislation on the Statute Book, we could trust Executive Council to take the necessary action to grant reprieves where necessary. If I understand him correctly, the Leader said that only in special cases should the death penalty be imposed and carried out: that this should be the penalty for only the most violent crimes, or for premeditated murder. However, it is difficult to spell this out. I hope later to have the opportunity to speak more fully on the need to protect our police and prison officers.

The Leader referred to murder for financial gain. Again, it is difficult to define this within the ambit of the Bill. I have the Parliamentary Draftsman's assurance that this would be virtually impossible. It is difficult to introduce the other category of murder: political murder. It is difficult to provide for this in legislation. If we are to have a state of affairs in which a person is to be reprieved because a murder is unpremeditated, we might just as well, in spite of these difficulties, say so and remove the provision from the Statute Book. I can see how a case can be made out for retaining this provision on the Statute Book and for Executive Council to take appropriate action in specific cases. However, I think the air should be cleared and, if we are going to pardon these people, we should say so. I submit that the murder of a police officer or of anyone assisting him in the execution of his duty is a different matter and involves premeditation, as anyone who is planning to attack a prison officer (presumably with intent to escape) must have thought the situation out thoroughly.

The Hon. G. R. Broomhill: How is this different from a bank robbery?

Dr. TONKIN: That is a difficult question, because it is hard to cover all the officers that might be involved. If a man enters a bank aiming to rob it, I do not think he goes into the bank intending to kill anyone. However, if a man tries to escape from a gaol, he must realize that he is likely to come up against a warder that he may have to attack or kill. These officers are working under particular risks and should be protected. When there is this degree of premeditation (when a man is escaping or has committed a crime) the death penalty will remain a deterrent. This view does not detract from my fundamental belief that there should not be capital punishment.

The Hon. G. R. Broomhill: Are you talking about a murderer escaping from a prison or just any prisoner?

Dr. TONKIN: I am speaking fundamentally of a murderer or any prisoner, because I think it applies to both. I believe that in these circumstances capital punishment would be a deterrent, and for that reason I intend to take action in Committee. Basically, I cannot get away from the fact that, if there is just one possibility of error, as a result of which an innocent man could be harmed or executed for a crime that he did not commit, we have no justification for leaving this penalty on the Statute Book.

Mr. HOPGOOD (Mawson): I consider that this is the most important measure that has been introduced in this House during my short period here. I congratulate the Attorney-General on introducing it and I hope that soon we will be able to say of our Attorney that he delivered capital punishment to capital punishment. I realize that this is an honour that should not properly be his, because this penalty should have been done away with a long time ago and, even looking into the recent past, we must acknowledge that the present Premier, who was Attorney-General at the time, should have been the man to be honoured by history as being the one who did away with the death penalty in South Australia, but the vote in another place frustrated the present Premier in his endeavour and so we again, in this place, are addressing ourselves to a similar measure.

I consider that this is the most important measure that has been introduced since I have been a member, because it deals with human life, which I regard as being sacred. I realize that murderers are rarely hanged but I do not want to leave the decision on that to Executive Council: I want the present provisions expunged from the Statute Book. I should like to detain the House briefly by setting out the four grounds on which I consider that people from time to time have justified punishment for any sort of offence, whether murder, pick-pocketing, or anything else; I list these as being the grounds of restraint, reform, deterrence, and retribution.

I should like to deal briefly with these grounds one at a time. First, I shall deal with the argument of restraint, and this is understood easily: we do something to prevent the person from again committing a similar crime. True, capital punishment will achieve this end, but I suggest that a long term of

imprisonment will also have this sort of effect. A judge can rule that the person should never be paroled. Members opposite have spoken of outbreaks from prison, and so on, and I will refer to this matter again, but it seems to me that, basically, what members opposite are really arguing in favour of is a more efficient penal system rather than the retention of capital punishment for any sort of crime.

Mr. Clark: I think they're arguing for what has been tried in the United Kingdom, which has turned out to be hopeless failure.

Mr. HOPGOOD: I think we are all aware of the position in the United Kingdom, and that we have profited from what has happened there. I should like to think that we are learning lessons from history in this place now. I shall refer to the argument about restraint later, because a further argument should be dealt with in its turn. I turn to the argument of punishment for reform, punishment to regenerate the individual. Obviously, capital punishment cannot achieve this in any mundane (or earthly) sense of the term. On the other hand, there is plenty of evidence of regeneration under detention. I mention the case of Caryl Chessman, not a murderer but a man who committed a capital offence. One girl was still in a mental asylum many years after the offence. The offence was dreadful and serious enough but, finally, when the State of California cut this life off in obedience to a barren and medieval principle, he was a completely changed man. Society, during this period of detention or reform, regenerated Caryl Chessman and, having done so and achieved the real objective of punishment, it then did away with him.

Now I shall deal with the issue of deterrence. I do not desire to go deeply into this with facts and figures. The Attorney-General has already referred to the matter, as have my colleagues. The statistics from these countries that have abolished capital punishment suggest that imprisonment is no less a deterrent than is hanging. Perhaps one or two members have suggested that hanging is not a deterrent, but I am sure that they did not mean that. Hanging is a deterrent, but the point is: is it any more a deterrent than life imprisonment? The Leader of the Opposition has referred to the issue of capital punishment and deterrence, and he said he rejected the notion of punishment as revenge. I shall refer to that again later.

The Leader spoke of capital punishment as a deterrent and said that the evidence was inconclusive, that the statistics did not help us one way or the other. Even if we accept the Leader's observation on this point (and I do not), we still must ask where this leads us, because I maintain strongly that the onus of proof must be on the retentionist. To me murder in any form, whether individual murder or the social murder that we call capital punishment, is so dreadful that, to justify it, the responsibility for justifying it must be squarely on the person trying to do so. The onus of proof must be on the retentionist, and I ask members to consider whether the Leader or his colleagues have produced any evidence that statistics show that there is any justification for retaining capital punishment, and I ask them whether it can be shown that it is a deterrent over and above life imprisonment.

The Leader's colleagues, particularly the member for Bragg, have mentioned premeditation. Let us suppose that a person commits murder in a completely cold-blooded premeditated way. We arrest him and he is sentenced and hanged. What has this achieved? Is there any evidence that this action by the State will have in any way deterred future murders of this kind, over and above what would have happened had the person been given a prison sentence?

Mr. Clark: All it does is stop him from doing it again.

Mr. HOPGOOD: Precisely, and this can be achieved by detention, as I have outlined. The Leader and the member for Bragg have not shown any evidence that, even in cases of premeditated murder, capital punishment is a deterrent over and above imprisonment. This is my answer to those who would confine capital punishment to certain types of murder. It founders on the rock of the same statistics. Apprehension and punishment are not in the mind of the murderer when he murders. I will deal now with the fourth argument, that for retribution. This is punishment pure and simple. It is really collective revenge. People say, "He deserves to die. He destroyed a life and he must forfeit his." This is the *lex talionis*: the Mosaic code, an eye for an eye and a tooth for a tooth.

Mr. Mathwin: That's in the Bible, isn't it?

Mr. HOPGOOD: I invite the member for Glenelg to say where else he could find the Mosaic code, than in the Bible. I reject this ground for justifying punishment. It is just as immoral for society to take revenge as it is for the individual to do so. Some people con-

sider that there is a cosmic balance of right and wrong and that punishment restores the balance so upset by criminal acts. I reject such metaphysical notions. I say that two wrongs do not make a right. There may be occasions on which the taking of life is justified. If I may paraphrase a recent statement by the Premier, I am not a pacifist in the technical sense. But I hope that I have shown that, in the matter of what to do with a murderer, capital punishment is not justified. The *lex talionis* has never been put into practice, except in respect of murder, and, to be consistent to those who have put this argument, it should be put into practice. For example, two men may be involved in a fight in a hotel and one delivers a heavy punch that blinds the eye of another. To be consistent the advocates of this form of punishment should say that society should remove an eye from the offender. One wonders what sort of techniques would be used by society to do this. We have never gone to the exact point of taking a tooth for a tooth or an eye for an eye. To be consistent, if we argued on the ground of a life for a life we should have done this, but we rejected it. We see this as inhuman and immoral, and I take the same point in regard to a life for a life, in respect to that which used to be called a capital crime and which I hope soon will be no more following the passage of this Bill.

Adverting to the argument of punishment for restraint, some people ask, "Why should the taxpayer support in gaol the person who has murdered?" I point out that the taxpayer supports many people. Should these many people who are some sort of charge on the State be done away with? Should the aged and infirm be done away with? Obviously, the answer is "No". The rejoinder is, "The murderer deserves to be hanged because he is a murderer." This argument collapses again into another example of the argument of punishment as retribution, which I have rejected and which I hope all members will reject.

Certain things remain to be said, having exhausted the four arguments for punishment. The first is that capital punishment is irreversible. It was suggested that in a prison break the odds in favour of a mistake are much reduced. I doubt this, because there would be fewer people and the percentage error may indeed turn out to be the same. There is the possibility of a prison outbreak where six men escape: one shoots the warder and for some

reason the wrong man is arrested for the murder, and having been proved guilty to the satisfaction of the jury—

Mr. Clark: This could well have happened comparatively recently.

Mr. HOPGOOD: True, and I do not see how the member for Fisher can get around this. This is the whole crux of this debate. I have been astonished by the events of this afternoon, because I looked forward to the unanimous passage of the Bill, but I can see that this will not happen. I challenge members opposite to answer the question, "What does capital punishment for premeditation achieve?" Is it not a fact that in prison breaks there is still the possibility of mistake in apprehension and in penalty? I think one other argument probably remains, and in fairness to honourable members who have raised it on other subjects I think I should raise it lest they should cast an inconsistent vote on this measure. I have given up the possibility that there will be a unanimous passage of the Bill. In two debates recently the member for Glenelg and the member for Eyre put forward an argument that I think can be fairly illustrated in the form of one of Aristotle's syllogisms:

Anything that Communist Governments do
is wrong,
X is something which Communist Govern-
ments do,
Therefore, it is wrong.

Like Aristotle's syllogisms, this argument simply cannot be contested if you accept the basic premises. However, I reject the basic premise and raise the matter for the information of members opposite. They may be aware of what I am going to say, because Mr. Barry Jones's book has been passed around on Opposition benches, and one hopes it may shed some light. When the Bolshevik Government came to power in Soviet Russia in 1917, it formally abolished capital punishment. Therefore, I assume that there would be those on the Opposition benches who, to be consistent, would have to argue against our abolishing capital punishment because, as was said in relation to compulsory voting and the vote for 18-year-olds, that was something a Communist Government had done. I believe most members will reject this argument, but I remind Opposition members who use it that, to be consistent, they would have to oppose this measure.

The encouraging thing I have found about the pronouncements of this Government and the legislation we have passed during my short term here is that we are attempting to end

certain medieval practices, particularly those concerned with constitutional practices and the like. I refer to restricted franchises, something which should have been done away with many years ago, and to our attempt to lower the age of majority. I remind the House that the Premier, when introducing that Bill, referred to the size of a suit of armour and the later age at which people reached puberty in earlier days. These have been attempts on our part to remove some medieval practices. Amongst those that remain, the most serious and greatest blot on the penal system is capital punishment. I believe that if we can remove it from the Statute Book we will have put one more nail in the coffin of medieval practices.

There have been one or two interjections from members opposite about common sense. The argument that will be raised later in the debate will be that, irrespective of what statistics say, we have to be guided by common sense. I suggest that the argument that we must follow is that, when statistics and scientific evidence come up against common sense, it is common sense that goes by the board. I remind the House that, in the words of Albert Einstein, "Common sense is a set of prejudices acquired before the age of 18." If after the age of 18 we learn, by hard facts, that we have to do away with some of our prejudices, then away with them! I hope the passage of this Bill will be speedy and will do away with most of these prejudices.

Dr. EASTICK (Light): It has shocked me somewhat to hear the rather "sick" (if I may use that term) attitude adopted by some members in this discussion. I am not aware of any issue that has come before this Parliament this session that puts the individual more in the centre of two forces or calls on him to use the opportunity to decide sincerely and practically the issue at hand than does this measure. Much information has been given, and some I hope to canvass soon on this subject. I assure the member for Mawson that I and other members do not intend to use this as an experiment. It was suggested that penal control was the real issue on which some members had spoken, in relation to the problem of injury to warders and others when prisoners break out.

Penal control is something that can and should be left to stand on its own merits. I agree that many aspects of it are not in accord with present-day thinking and not in accord with sanity, and I hope that, in due course, we will give attention to a Bill that will seriously

consider those aspects. At this stage do not let us get tangled up with penal control when discussing this legislation. The member for Mawson said that he hoped that this Bill would receive a free passage. Does he mean that, because it will not receive a free passage or a unanimous vote, persons who hold views different from those of the honourable member are necessarily wrong?

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

Dr. EASTICK: A review of the literature dealing with capital punishment reveals a view somewhat different from the view canvassed thus far. Capital punishment was not always considered necessarily as a form of punishment. Centuries ago, when the family was the social unit and the father was looked on as a guiding and ruling force, he was able to order the death of a member of the family for any reason, and exterminating the person concerned was not necessarily deemed a form of punishment: it could be regarded as the elimination of one who had offended the gods and who would contaminate and bring misfortune to the entire family if allowed to live. As time progressed, and as families were consolidated into tribes, there came a distinction between public and private wrongs and in many instances the punishment of death was regarded as a cleansing process. The attitude expressed earlier today about the Mosaic law of an eye for an eye and a tooth for a tooth is not necessarily the attitude that emanated from the Mosaic law.

The SPEAKER: Order! I draw the attention of the member for Victoria to Standing Order 79, which provides:

Every member of the House, when he comes into the House, shall take his place, and shall not stand in any of the passages or gangways.

Dr. EASTICK: I refer here to the publication prepared by Lewis E. Lawes in America which states:

In recent years, strangely enough, many people attempt to justify capital punishment on the basis of that ancient code which did not decree death as a retaliation for murder but encouraged compensation to the deceased's family to prevent feuds.

The Hon. L. J. King: It was a mitigating law.

Dr. EASTICK: Yes. We then progressed to the growth of State power, when capital punishment was used more frequently, and no longer as a cleansing process, to deter others from perpetrating similar offences. Man was considered to be a free and moral agent, capable of choosing between good and evil, and the extreme penalty was deemed

effective in curbing criminality. The publication from which I have been quoting goes on to say that about 175 crimes were punishable by death in England two centuries ago. In the latter half of the 19th century, a different attitude prevailed, only murder and treason being regarded as crimes punishable by death. The author of the publication lists six arguments for capital punishment as well as six against. In one of the arguments for capital punishment it is stated that life imprisonment is often dreaded more than death by the electric chair or by some other means and that "some murderers have even appealed that reversal of conviction or clemency be withdrawn".

One of the chief objections to imprisonment in lieu of the death penalty is that, as a result of the pardoning power, the murderer is often released soon after the conviction and that in isolated cases murderers, after serving a few years' imprisonment, have been granted their freedom and allowed to molest the public again, although such examples are rare. We have an example of such a situation in South Australia, where the person responsible for the multi-murder that occurred in the Sunshine Cafe in Brown Street had previously been a convicted murderer. Dealing with the argument against capital punishment, R. T. Bye wrote a treatise on this matter in the United States in 1919 and stated:

Capital punishment is too rarely used to prove a very efficacious deterrent, yet its occasional use renders it a ridiculous and purposeless outrage. For as it is now applied, the death penalty is nothing but an arbitrary discrimination against an occasional victim. It cannot even be said that it is reserved as a weapon of retributive justice for the most atrocious criminal. For it is not necessarily the most guilty who suffer it. Almost any criminal with wealth or influence can escape it, but the poor and friendless convict, without means or power to fight his case from court to court or to exert pressure upon the pardoning executive, is the one singled out as a sacrifice to what is little more than a tradition.

Mr. Harrison: Whose side are you on?

Dr. EASTICK: I will declare myself in due course.

Mr. Ryan: As a Liberal?

Dr. EASTICK: As I said earlier, it is somewhat surprising to find that such a serious piece of legislation is being received with so little regard; whether this is because of the occasion or the presentation is yet to be determined. I find a most insincere approach by many members. In 1961, in the U.S.A., J. B. Bennett (Director of the Bureau of Prisons) said:

Legislation to abolish the death penalty received consideration in most of the jurisdictions in which it is still authorized (42 States, District of Columbia and Federal), but little action was taken. The Delaware Legislature over-rode the Governor's veto and reinstated the death penalty, which it had abolished in 1958, for first degree murder, rape, kidnapping and treason. The United States Congress amended the District of Columbia Statute providing a mandatory death penalty for first degree murder, thus eliminating the last mandatory death penalty in the nation.

I believe that is a wise and sound judgment, and it is the same judgment that received my support when the Attorney-General said earlier this week that he did not believe, with regard to drug legislation, that it should be mandatory for a judge to commit a person to prison. I agree with this and believe that the situation should be reviewed in the light of all the circumstances at the time. The same authority of the American scene indicates a markedly reducing rate of execution of murderers. In 1962, executions took place in 18 of the 44 States that had legislation allowing the death penalty, and 47 persons were involved. From then on the figures were as follows: 1963, 21; 1964, 15; 1966, 1; and 1967-69, nil. Obviously the pattern in that area has been for a reduction, and with this I agree. If one refers back only a short time one finds that, between the year 1930 and the year 1964, 3,849 executions took place in the United States.

The Hon. G. R. Broomhill: But will you support the Bill?

Dr. EASTICK: It was indicated that several States had considered the matter.

The Hon. G. R. Broomhill: Will you support the Bill?

The Hon. D. N. BROOKMAN: On a point of order, Sir. I am trying to listen to the member for Light and there are too many interjections from the Government benches.

The SPEAKER: I uphold the point of order. The honourable member should not be interrupted. Government members must give courtesy to Opposition members.

Dr. EASTICK: We find that in Canada in 1966 the elimination of execution was considered, but by a vote of 143 to 112 execution was retained. However, in 1967 there was a change of mind and there was a stay of execution for five years, but it was to be reviewed after that time. Here again, the provision was that, except for the murder of police or prison guards, a stay of execution would apply. In 1967, California completed a four-year stay of execution and by the middle of April the first execution followed after that stay, but since

then a series of court actions has taken over and there have been no further executions there.

Mr. Harrison: How does this affect South Australia?

Dr. EASTICK: We find that over 500 persons are awaiting execution pending these court actions.

Mr. Harrison: How does this affect South Australia?

The Hon. D. N. BROOKMAN: On a point of order, Sir. I suggest that the Government benches are rather disorderly.

The SPEAKER: Order! Interjections are out of order. The member for Light must be heard without interjection.

Dr. EASTICK: In 1969, we find that New Mexico—

Mr. Langley: We have only two years to go.

The SPEAKER: Order!

Dr. EASTICK: The atmosphere is rather sick. In 1969, New Mexico joined with other areas of the United States where consideration was given to a stay of execution. Returning to the present situation or, as the member for Albert Park would say, to the South Australian scene, I have no hesitation in saying that I directly oppose the idea of capital punishment, but I believe that every thinking person, even though he has that belief, has a responsibility to the people he is appointed to protect. I believe it is wise and just that we should have a provision that means that, if the occasion should arise that a policeman or a warder associated with prisons were maliciously killed, as opposed to accidental death (and there is a definite difference in this case), the Government of the day should not measure up to the situation and determine whether it desired to commute a death sentence or to carry it out.

Members interjecting:

Dr. EASTICK: I can have an opinion and express it and, if it is different from that held by members opposite, it is still a real opinion. As I have said, I oppose capital punishment, but its retention in the Statute does not prevent the Government from taking the responsibility of commuting that sentence if the circumstances require that to be done.

Mr. CARNIE (Flinders): I consider that this Bill involves a social question and that every member has an obligation to express an opinion and say why he will vote as he intends to vote. I find execution in any form dreadful and I hope that, in my lifetime, there will be no executions in this State. Many members have kept the House in suspense on

how they will vote but I do not intend to do that. I say at the outset that, while I feel as I have stated, I should like this provision retained, for the reasons that I shall give.

Mr. Ryan: Why don't you be fair dinkum and vote for the Bill?

Mr. CARNIE: Because I consider that there are cases when capital punishment is warranted, although I hope I never see it implemented.

Mr. Ryan: You're being political.

Mr. CARNIE: This is not a political question. I was pleased to hear the member for Elizabeth treat it as a social question and I was impressed by the case that he put, based on his sincere beliefs. I cannot say the same of the member for Spence, who was the first to introduce politics into the matter. We all know that the platform of the Australian Labor Party provides for the abolition of capital punishment.

Mr. Crimes: Why are you saying the A.L.P. should not have an attitude on it?

Mr. CARNIE: I refuse to believe that all subscribing members of the A.L.P. (not only Parliamentary members) agree with that provision in the platform. Capital punishment should be retained for the occasion when it may deter and it is worth while for this reason. The member for Mawson has said that he does not believe in capital punishment, and other members have said that it should not be regarded as being punishment. I accept this. The old principle of an eye for an eye does not apply now. My sole reason for voting as I shall vote is that capital punishment should be retained as a deterrent. It is impossible to retain statistics one way or the other to prove whether capital punishment is a deterrent. I have read many reports on this matter and one gives the lie to what the Minister for Conservation has said. Other factors may be involved and it is difficult to say that the increase or decrease in the crime rate is because of a specific reason.

To most murderers, capital punishment is not a deterrent, because most murders are committed out of emotion, rage, or some other similar reason and whether the murderer may be hanged does not enter his head. This applies to most murders: few murders are calculated. This offence may be committed because of an unfaithful wife, or to kill a lover, or because of drunkenness, and they are crimes of the moment. Most murderers are less likely to repeat their crime than are other criminals to repeat their offence. The Attorney has said this afternoon, by interjection, that there are

degrees of murder and I agree, but surely he would not equate a crime of passion such as I have mentioned with a calculated killing for gain. They are separate things and must be treated separately. There should be degrees of punishment if there are degrees of murder. I assume that, if this Bill passes, all murderers will be sentenced to life imprisonment, regardless of the degree of their crimes, and I think that this is wrong.

Mr. Clark: No, they just won't be hanged.

Mr. CARNIE: Murder for gain is an extremely heinous crime, which involves a hired killer. As far as I know, this offence does not occur in Australia, although members will agree that it occurs overseas. I got a shock during the last week when I was speaking to a clergyman who has a parish in Kings Cross, Sydney, and conducts a youth club to help children in needy circumstances. He spoke calmly to me about one child in his club whose father is a hired gunman. When I commented on this, he said it was common. This is beginning in Australia, although I would not say that it is common here. Nevertheless, it must be prevented.

Another killing for gain was in the news recently. This was not a killing for monetary gain but a killing of the Canadian politician, who was kidnapped and killed for gain by a particular section or group. In that case, not only the man who pulled the trigger but all other persons involved were guilty. This crime was particularly heinous. Another case in which the full measure of the law should be exacted is the case of killing police officers and prison warders who are carrying out their duties.

Mr. Crimes: Isn't that a matter, first, of lax security?

Mr. CARNIE: I will ignore interjections.

The ACTING DEPUTY SPEAKER (Mr. Ryan): Interjections are out of order.

Mr. CARNIE: I am sorry that the Minister for Conservation is not in the House at present. Earlier this afternoon a member on this side spoke about police officers and warders being killed in the execution of their duties. The honourable member interjected, "What about bank officers?" I suggest that there is a difference in this respect, as a bank officer is not employed to take a risk or to prevent a robbery, whereas a police officer is. I am sure that most banks would not expect their officers to attack a criminal in order to prevent a crime, whereas a police officer is expected to do so.

The Hon. L. J. King: But many tellers have done so.

Mr. CARNIE: This is up to the individual. However, a policeman is paid, trained and expected to do this. He is expected to attack a person committing such a crime and to try to arrest him. Therefore, he takes a greater risk than does the ordinary citizen. Many members have spoken about what happens in other countries. I agree with the member for Albert Park that this has no bearing on this matter. We are discussing legislation relating only to South Australia. However, I should like to refer briefly to two other countries, the first of which is the United Kingdom, which abolished capital punishment soon after the Second World War. Capital punishment was then reinstituted for what are called capital murders; these were, first, murder in the course or furtherance of theft; secondly, the murder of police or prison warders in the execution of their duty; thirdly, the committing of a second murder; or, fourthly, treason.

Mr. Clark: And it didn't work.

Mr. CARNIE: I must admit that capital punishment has been completely abolished in the United Kingdom.

Mr. Mathwin: Who was responsible for that—the Wilson Government?

Mr. CARNIE: I do not wish to discuss which Government was responsible. This is a social question, not a political one. New Zealand abolished capital punishment in 1941 and restored it in 1950. I said earlier that statistics, one way or the other, were almost impossible to prove. However, I have seen figures on this matter, and they show that in that period of nine years the murder rate in New Zealand increased dramatically. I will not say that this was due entirely to the abolition of capital punishment. However, it was enough to cause the Government to reinstate capital punishment in 1950. I must admit that I do not know what is the present position in New Zealand; I do not know whether capital punishment has been retained or whether it has been abolished. Life imprisonment does not really mean much: generally, it means that one is imprisoned for 20 or 21 years but, with remissions for good behaviour, an offender can serve as little as 15 years or, in some cases, only seven or eight years. I could perhaps consider a person being imprisoned for the term of his natural life. However, I do not think this sentence is common. I believe that capital punishment should be retained on our Statute Book because, in some cases, it acts as

a deterrent. Although this may happen in only a few cases, it is worth while. If the provision is retained, the Executive Council of the day would be able to consider each case individually and make a decision accordingly. For this reason, I should hate to see the provision abolished completely.

Few members who have spoken have referred to corporal punishment, provision for which is also made in the Bill. I should not like to see whippings or floggings become common. However, there are occasions when these are the only punishments possible. Corporal punishment conjures up in most people's minds the days of Captain Bligh and the cat-of-nine-tails. Canings, which come under the heading of corporal punishment, have some use in certain cases.

Mr. Hopgood: What are they?

Mr. CARNIE: Pack rape is one case. I stress the word "caning" rather than flogging, as in some cases caning would achieve more than a prison sentence. However, I will not dwell on that aspect. Indeed, I rose to speak only because I did not want to cast a silent vote.

Mr. MATHWIN (Glenelg): I know full well that the abolition of capital punishment is contained in the platform (or what is called the little black book) of the Socialist Party. If members were forced to visit the scenes of many crimes and, as a result, saw the results of those crimes, they might change their opinions. It is our responsibility, as responsible citizens, to protect the innocent to the best of our ability. Careful thought must be given to all cases involving first degree or premeditated murder. There is no doubt in many cases that the offences are premeditated. I remind members that even the most ardent killer fears the death penalty. If he does not, why does he try to have his sentence commuted to one of life imprisonment? Laws are made for reasonable people and not to satisfy a few abnormal people who think they are far too clever to be caught.

Mr. Hopgood: The penalties are specifically for them: normal people do not do these things.

Mr. MATHWIN: Some people say that this penalty brutalizes human beings, but murder cheapens human life. People who serve on juries are asked whether they object to returning a sentence of the death penalty. If they object they are excluded from serving on the jury. The death penalty is seldom used, and this would be a good argument for its retention

side who are supporting the Bill—I take it that and not its abolition. The provision in the law for capital punishment does not mean that every criminal on whom the death penalty has been passed will be executed. Circumstances must be exceptional before the death penalty is carried out.

Mr. Harrison: Would you like to take a chance?

Mr. MATHWIN: If I murdered an innocent person I would be willing to face society, and it would be within its rights to hang me. That would be my lot. All we have heard about from Government members is the protection of the murderer, but little has been said about the people who are left behind after such a crime, whether they be men, women or children.

Mr. Clark: They are not going to be hung.

Mr. MATHWIN: That does not matter. If the honourable member can feel sorry for people who do this horrible deed in cold blood, all I can say is that I am sorry for him.

Mr. Clark: I assure you I don't need your pity.

The Hon. D. N. BROOKMAN: I rise on a point of order, Mr. Speaker. Government members are treating a serious debate with disgusting levity, and most of them, although not all, are trying to interrupt the speaker, not to help or hear what he has to say, but only to interrupt him. I think it is a disgusting performance.

The SPEAKER: The honourable member for Glenelg is entitled to be heard in silence, and I ask Government members to refrain from unnecessarily interjecting and let the honourable member be heard with the courtesy with which honourable members should be heard in this Chamber. The honourable member for Glenelg.

Mr. MATHWIN: Thank you, Mr. Speaker. In America the States that abolished capital punishment and have since restored it are Kansas, Iowa, Colorado, Washington, Oregon, Arizona, Missouri, and Tennessee. Of the 50 States of America, 41 have provided for the death penalty.

Mr. Crimes: That doesn't justify it.

Mr. Langley: What about South Australia?

Mr. MATHWIN: It proves beyond doubt that these States think in terms of justice and consider that the death penalty is morally and legally just. From 1901 to 1967 there have been 114 executions in Australia, and I shall not give the details of each State. The member for Mawson said that when Opposition members spoke about Communism and Bolsheviks

we thought the worst, and he suggested that they did not have the death penalty in Russia or in any Communist or Bolshevik State.

Mr. Hopgood: I didn't say that.

Mr. MATHWIN: I said the honourable member suggested it. I ask members who do not know the facts to talk to people from the Balkan States about what type of murderers the Russians were. The member for Mawson held up no Bolshevik State as an example. The member for Elizabeth said that people did not consider the penalty when committing a crime. I think they do. If they do not think of the punishment it is not premeditated murder, and the penalty would be life imprisonment. However, life imprisonment does not exist, because most sentences of this type are not served out for the full term of the natural life. An English judge of the eighteenth century said, "He who threatens the innocent is he who spares the guilty." I suggest that these remarks of the judge apply more so today and that we will get the social conditions we deserve.

Mr. McRAE (Playford): I support the Bill. First, I should like to deal with one or two points made by the member for Glenelg. His first point was that there was no definite proof that the death penalty was no deterrent, but the question ought to be: is there any proof that the death penalty is a deterrent? I utterly refute the suggestion that there is some proof that the death penalty is an effective deterrent. Every significant study on this matter in the United Kingdom, the United States and Australia has shown that the death penalty has been an effective deterrent no more than has a penalty of life imprisonment. That has been the universal experience as shown by writers in the United States and in the United Kingdom, and it is the universal experience of those persons who have given evidence before Royal Commissions throughout the world.

The member for Glenelg then went on to make an emotional point, but still a valid point, when he asked: What would you think if you were at the scene of the crime; would your attitude towards the death penalty be different if you were actually there and you saw the victim lying in his blood? Of course our attitude would be different, because we would be caught up in the emotional horror of the scene. But surely we ought not to be dealing with these matters in an atmosphere of emotion: we ought to be dealing with them in an atmosphere of reason. The honourable member went on to suggest that members on this side (and, I presume, members on his own

some members, at least, on his own side are supporting the Bill) have forgotten about victims in cases such as this. I take it that by "victims" he means those members of the family of the victim who are left behind. Once again, this is a wrong assumption, because the very people who have supported the abolition of capital punishment have been the same people who have been remorseless in their endeavours to provide adequate compensation for the victims of people innocently involved in the criminal activities of others.

It is the retentionists with conservative philosophies who have done nothing in this field at all. The fourth point the honourable member made was, indeed, the most daring of all, because originally he was going to give comparative figures among the States of Australia, but I notice that he did not give the actual figures, and I can well guess why. The Playford Government stood out most strikingly as the greatest perpetrator of capital punishment among the Australian States. That Government's record was appalling. South Australia was not only a conservative State but a hanging State as well.

Members interjecting:

Mr. Mathwin: You know that's not true.

Mr. McRAE: The reaction of members opposite suggests to me that I am entirely right. Having dealt with some of the irrational arguments advanced against the Bill, I should now like to deal in a positive way with both facets of the measure. First, in my own mind, I concede that the State in extreme circumstances must have the right to kill; as disgusting as it may be, there are some circumstances in which there is no alternative. However, the onus must be on those who say that the circumstances justify the killing to prove just that point. My first consideration in looking at the rights and wrongs of this issue is the effect of taking human life which, in itself, is an evil thing: it has a degrading effect on the State, on the people in the State and on those who participate in the execution itself. Except in the most unusual circumstances, if the State is to lower itself to executing a person in cold blood it makes itself the equivalent of a murderer, and it degrades itself in the eyes of every other civilized State and country, just as previous Governments in this State and other States have done and, I am afraid, just as some of our sister States intend to do. Secondly, there is a more evil degradation, involving all those who participate in the execution. I venture to say that there would

hardly be any person we know who would for the remotest moment consider acting as the executioner.

The most humane way of executing anyone obviously would be to get a doctor to give the person concerned an injection of an effective poison that would produce death instantaneously and without hesitation but, of course, no doctor would prostitute himself to the level of an executioner, and no person, except the most suspect of persons, would degrade himself to the level of a paid killer. This degradation washes off not only on the executioner himself but on all those who have to witness the vile sight. Any person who has been involved at all with prison warders, doctors and others who are compelled to be witnesses at an execution will know that everyone present has been sick, disgusted and degraded by the very fact of his presence. There is also a degradation by the press which usually acts as people acted at a public execution held in England, when the mob used to gear itself for the lively event. It degrades its profession and its newspapers by lading out the ghastly news as often and as hard as it can. Those who control the newspapers grub for every cent from the disgusting business of executing a criminal.

Finally, there is a degradation worse than this, and that is the degradation of the community as a whole. Even as a child I can remember feeling repulsed to know that at 8 o'clock on a certain morning someone was to die, and so was everyone in my house and everyone that I knew. The member for Elizabeth was effective and right this afternoon when he pointed out that one of the most horrible parts of an execution was its certainty. Although we all know that it is in the nature of things that we must die, it is mercifully shrouded from us when we are to die. In the case of this wretched individual, he is told with direct certainty that at a certain moment he will die, and that ghastly horror reflects itself into the community. Anyone connected with the execution (the community, the State or the judge, who is forced into the ghastly ritual of putting a black shroud over his face) is disgusted by it and, unless it can be shown that there is any real deterrent by it, I cannot see that there is any justification for capital punishment.

I submit that most murders are in fact committed by people who are psychotic or neurotic. If our law were updated so that, instead of the ridiculous farce of the McNaghten rules we had a proper test of psychiatric

normality, many persons found guilty of murder would be acquitted. Those who are responsible for the largest number of capital offences are undoubtedly psychotic or neurotic, as any lawyer who has had anything to do with the criminal courts well knows. If these persons are not insane within the meaning of the McNaghten rules they are certainly not of complete responsibility as a psychiatrist would normally test it according to scientific knowledge today. These are the last people who will be affected by whether the penalty for their offence is death or life imprisonment; that does not affect them in the slightest.

One of the most horrible cases with which I was ever associated was that of a young woman found guilty of murdering her uncle. The circumstances of the events were that she slowly poisoned this man. She gave him small doses of arsenic in ever-increasing amounts so that this horrible poison accumulated in his system. He grew sicker and sicker but a doctor could not diagnose what was wrong with him. When the doctor was called it was suggested that he be given some light food in the way of jelly or custard. The murderer dutifully fed this man jelly or custard, which the man accepted as some solace, but it was impregnated with more arsenic.

The victim was taken to hospital where even then his ailment was not diagnosed, and he finally died most horribly, yet the person responsible for that apparently most horrible of all murders was remorseless and not affected emotionally in any way. Clearly she was a psychotic of the worst order so far as any psychiatrist could designate her in modern terms. However, the McNaghten rules applied and she had to face punishment but, as she was not of age, she escaped the death penalty. I consider that a most horrible crime. This person would not have been affected at all by a consideration whether the penalty for murder was death by hanging, by torture, or by the most ghastly experiences one can imagine. We have heard much about particular types of offence, and perhaps in Committee I can have something more to say about this. I believe that people involved in kidnap murders, gangland murders or escapes from custody usually fall into the psychotic and neurotic group, anyway.

Mr. Carnie: Suppose one person doesn't.

Mr. McRAE: The honourable member puts forward the best argument that can be presented against the Bill and that is the conceivable possibility that there may be a normal

person in custody suffering the worst possible punishment at the time with nothing to lose, who then commits another offence. If the honourable member will listen a little longer I shall show that what he suggests is not possible. First, I believe that the greatest majority of murders of this kind (kidnap murders, murders committed by gangsters, and murders of policemen) are psychotic and are committed by the worst type of murderers who will not be affected in their endeavours by the worst penalties.

Proof of this is found in what has happened in the United States, and members have been referring to this country to support their case. In various States of America the worst kinds of punishment have been prepared for people who commit murders of this type, yet the hired gangland killer is probably more prevalent there than he is in any other Western country; he is certainly far more prevalent there than in Great Britain. In a report presented by the Home Secretary to the British Parliament in December last year it was shown that in Great Britain, where capital punishment had been reduced greatly, there had been only three executions over seven years and the number of killings by hired professionals was extremely small—about three out of 1,000,000 population compared with 96 out of 1,000,000 population in the United States. At present 41 of the American States have the ultimate penalty. In these circumstances, I see a great defect in our law. The outmoded notions of the McNaghten case were worked out by judges over 100 years ago in an effort to deal with a particular set of circumstances and cannot possibly deal with modern psychiatric knowledge. If the truth be known, an overwhelming percentage of murderers would fall into the group that is not responsible for its actions.

I do not concede that any normal people (if we are to use that word with any meaning at all) will commit murder. They may kill but, if we take the legal definition of murder, I do not concede that any normal person will commit murder. It could be that in the heat or rage of the moment a person might commit manslaughter. Then we are left with a third category of the professional killer who is not a psychotic or neurotic, if there be such a person. I doubt that such a category exists but, if there is, as one member suggests, a professional killer who is also completely psychiatrically responsible for his actions, this person is so low that, again, he will not be

affected by whether he takes his chance on capital punishment or life imprisonment.

Therefore, we have in our law an extremely twisted viewpoint and it should be reformed in two ways, by the abolition of capital punishment and by the retention of the notion of responsibility in the criminal law. I do not want to canvass the philosophical argument in support of abolition but I suggest, from practical experience, that another twisted viewpoint in our law is that, while we provide capital punishment for murder, far worse crimes are committed for which we provide extremely petty penalties. In Australia in the last 10 years or 15 years we have had some of the worst commercial frauds and piracies known in history and, unfortunately, some of the worst commercial frauds have originated in this State. Thousands of persons, including pensioners, who could not afford it have lost their savings as a result of ghastly frauds, yet people are living it up in their mansions in the foothills, with their money stacked up, and are none the worse for it. Can anyone tell me that an offence like that is any different from direct murder?

Mr. Millhouse: Would you like to name a few of those people?

Mr. McRAE: No, I do not intend to degrade my speech, but the former Attorney-General knows well that I am speaking the truth.

Mr. Millhouse: If you had spoken the truth, you would name them.

Mr. McRAE: You keep quiet. Now I shall deal with corporal punishment, which other members seem to have overlooked. I take it that they may well be supporting the abolition of corporal punishment. I hope they are. I suggest that corporal punishment, as well as capital punishment, is unnecessary, ineffective and disgusting. Corporal punishment is a relic of the law that used flogging in public as a deterrent to the community at large and it is left on our Statute Book in many places. It is highly inappropriate. As the member for Elizabeth has pointed out, how ludicrous it is to provide for corporal punishment in the Children's Protection Act! Many other Statutes provide for corporal punishment, and we cannot tolerate this.

Whilst appearing in the Juvenile Court I have been disgusted that magistrates have upheld the notion of corporal punishment as if it was a marvellous thing that will achieve all sorts of good. I have heard magistrates encouraging parents to inflict corporal punishment on their children to avoid some other kind of

punishment. There was a phase in our Juvenile Court when this was fashionable, but I have always been disgusted by the notion of corporal punishment, especially in the case of children, because in their case we ought to be looking to rehabilitation, not primitive and outmoded forms of punishment, and in other cases I suggest that corporal punishment has no effect as a deterrent or source of rehabilitation.

On the contrary, as with capital punishment, it is disgusting to the State that allows it, to those who participate in it, and to the people who have it forced upon them. There is an even worse element in the case of corporal punishment. Any practising lawyer knows the barbarous type of deal that goes on when the lawyer suggests that the judge submit a person to a whipping and reduce the sentence. I am pleased to say that this sort of barbarous deal has gone out in our Criminal Court now, but only three or four years ago deals of this kind were common.

Counsel were suggesting that, in return for a whipping being imposed, the sentence ought to be reduced. This ghastly bargaining across the table was reminiscent of a charnel house and most counsel would have nothing to do with it, but today, even though our judges are reluctant to use the power (I do not think any of them has used it for three years) we still know the situation in which people convicted of offences for which this is prescribed try to do a deal to take the whipping and get the sentence cut down. I could have said more, but this topic has been covered. I strongly support the Bill and in Committee shall discuss the amendments to be moved by the member for Bragg.

Mr. MILLHOUSE (Mitcham): I regret that this Bill is being debated on the last evening of the session. It deals with a serious subject, one that has been debated twice previously, I think, in the 15 years that I have been a member, but on those two occasions it was discussed in an atmosphere much more conducive to a good debate and one more appropriate to the gravity of the subject than is the case this evening. I think it is a pity that we should be debating this matter as a fill-in measure on the last evening of the session, when no-one, as far as I can see, has any interest in it—

Mr. McRAE: Speak for yourself, or for your own members.

Mr. MILLHOUSE: —or is prepared to listen to others.

Mr. McRae: You haven't given a very good example over there.

Mr. MILLHOUSE: I was going to say that I considered that the member for Playford had held the attention of this House rather better than had some other members who had spoken. I still think that is so. In my view, he spoiled his speech, and I entirely disagree with what he said, in making allegations at large against people in Adelaide and not being prepared to back them up. The allegations had nothing to do with the Bill.

The Hon. L. J. King: But you wouldn't favour his naming the people in this House?

Mr. MILLHOUSE: If the honourable member is going to say that people in Adelaide are guilty of the most ghastly commercial frauds and are even now living in their mansions in the foothills, he ought to name them. If he is going to make charges of this kind and give such descriptions, which allow some identification, he should be willing to name the people. I do not know why he made such allegations. I do not know whether he was suggesting that those people should be imprisoned for life for some crime that he did not specify. I think he spoilt his speech by bringing in such matters, which were entirely irrelevant and in extremely bad taste.

I was not in the House earlier in the afternoon when the member for Mawson began to speak. Although I found it impossible to hear what he was saying, I suspect I would not have agreed with his point of view. It was obvious, however, that he had done much preparatory work and had given much thought to the subject. It was a pity that members on both sides were not listening to him, because he deserved to be listened to. I know that the honourable member for Elizabeth had spoken earlier.

Mr. Clark: So you know how I feel.

Mr. MILLHOUSE: I have read the speech before, and I looked at it again today. The honourable member spoke on this matter in 1959 when I first spoke in this debate, and I understand he said much the same today as he said 11 years ago. I do not join issue with him on what he said. However, I still hold the views I expressed then: some crimes are so ghastly that hanging is the only appropriate penalty for them. I believe that the number of such crimes is only small now, but that is the view I hold, be it right or wrong.

The Hon. L. J. King: On what basis—as a deterrent or as retribution?

Mr. MILLHOUSE: I do not try to differentiate between deterrence, retribution or reformation. However, if any member wants to know my views, let him read my speech, as I do not intend to weary the House by going through them now. I put my views as clearly as I could, and I stand by them. This is the sort of debate in which members can make known their point of view once; it is fairly difficult for one to repeat it again and again. I see that the member for Elizabeth agrees with me. It is notable that the Bill has been introduced by a new member—the Attorney-General. Indeed, every member who has spoken since the dinner adjournment has been a new member and has therefore been putting his views for the first time. I have found in this place that, once one has put one's views on a topic, there is little profit in one's doing so over and over again. I oppose the abolition of capital punishment, as I have said. In my opinion, the situation today is not quite the same as it was in 1959, when I first expressed those views. I consider that it has changed in two ways: one is a personal matter, and the other is a development that has taken place in society at large. For me it has changed in that for a little over two years I had the responsibility, as a member of Cabinet, of deciding whether or not the penalty of capital punishment should be imposed or commuted. I have found that on the three occasions that Cabinet had to decide the matter it was a most awful responsibility, and I use those words deliberately: it was the most dreadful decision that Cabinet had to take. What was worse, before the decision was taken the first time the Sheriff called on me to ask what Cabinet was likely to do, as he had to arrange for a hangman. He also had to have the would-be victim (if one likes to use that term, as do members opposite) weighed so that he could arrange the weights and get everything ready. It is much easier for one to argue in favour of capital punishment in theory when one has no responsibility in relation to it. It is much more difficult for one to undertake the responsibility when one has it. I have had the responsibility, yet I still believe that the penalty of capital punishment should be retained in appropriate cases.

The other development that has taken place in the 11 years since I first spoke on this matter is a development in society at large. When I spoke previously, most of the debate was concerned with those who committed what I will call conventional crimes. The member for Flinders named some tonight: the

murder of a lover, murdering to steal or for some other reason such as that. However, there has, particularly in the last few years, been a development in society of political crimes and violence. This has led to murder on many occasions, the most notable being the murder only a few weeks ago of Pierre LaPorte, a Minister in the Quebec Government, who was utterly innocent of any wrongdoing. He was taken as a hostage for purely political purposes by those who wanted to force their politics upon the people of their Province and, because neither the Federal Government nor the Provincial Government in Canada would come to heel, he was killed. We do not know even at this moment whether Mr. Cross, the British Trade Commissioner in Quebec, is alive or dead.

Those are two most glaring examples which strike home hardest to us, because they come from a society that is not quite like ours. Thank God Australia does not have the problems it has. However, it is one of our sister Commonwealth countries, and it is a country that has a Parliamentary democracy. I cannot for the life of me see why people should deliberately commit a murder in those circumstances (a murder which was committed cold-bloodedly for political purposes by people to try to force a Government to their point of view or to make it take action that they wanted taken), and avoid being hanged or otherwise deprived of their lives.

The Hon. G. R. Broomhill: Is this any different from holding people for ransom and then killing them?

Mr. MILLHOUSE: I believe it is. Perhaps one could say that it is of the same nature, but I believe it is different because it is a political crime: a crime that has resulted from an attempt to hold the whole community to ransom.

Mr. Hopgood: But is it really a deterrent? Otherwise, why take a man's life?

Mr. MILLHOUSE: I do not know whether it would be a deterrent. I do not mind entering into a debate with the member for Mawson. However, I do not believe that deterrence is the only point involved. Some people say that deterrence is the only point. Members know (and I have set this out before) that three elements are involved, of which deterrence is only one. I have tried to sum up my view that there are some crimes for which I believe the death penalty is the only appropriate penalty. One could say that I am being conservative or old-fashioned, or that I am overlooking deterrence as having no effect.

However, that is how I feel, and I cannot analyse my feelings any more than that. Let me leave it at that because this is, after all, a matter of opinion: it is not a matter on which anyone can come to a conclusive decision. I acknowledge freely that capital punishment is fairly unfashionable at present. Obviously, this legislation will pass, whereas 11 years ago it failed. The community would now support the abolition of capital punishment. I happen not to. But it is fashionable now to abolish capital punishment and to look for alternative forms of punishment. I believe the fashion will change again and that, either in my lifetime or thereafter, the pendulum will swing the other way. At present, however, I am against the present trend, and I still hold the view I held previously. I often wonder whether those who favour the abolition of capital punishment condemn now what the Western world did, or what the Allies did, in 1945 after the Nuremberg trials, in executing the Nazi war criminals.

The Hon. L. J. King: It was a great blot on civilization.

Mr. MILLHOUSE: That is one view.

Mr. Keneally: What about My Lai and the people in charge of the Army: be consistent.

Mr. MILLHOUSE: I do not see where the question of consistency comes in, because I have not dealt with that situation.

Mr. Keneally: If they are guilty they should be punished, as were the Nazi war criminals.

Mr. MILLHOUSE: I consider that I am not qualified to answer yea or nay. It is a complicated matter, because the guilt or innocence of these people has not been established. I did not mention Nuremberg to say that I supported it: I posed the question whether we were right or wrong. I think there were executions in Japan, too.

The Hon. L. J. King: This country participated in them and I was ashamed of it.

Mr. Rodda: Have you seen the atrocities that were committed in Germany? If you have not seen them, I will tell you about some of them.

Mr. MILLHOUSE: I ask the question, "Was the Jewish State entitled to execute Adolf Eichmann for what he did?"

The Hon. L. J. King: No: it was a matter of convenience.

Mr. Keneally: No. Did it bring back to life the people he killed?

Mr. Rodda: He would have gone on killing if he had not been stopped.

Mr. MILLHOUSE: I wonder whether you would find one citizen of Israel who would

agree with the denial of the Attorney and the member for Stuart. I wonder whether you would find one person of Jewish descent anywhere in the world who would agree with those denials.

The Hon. G. R. Broomhill: What is your attitude?

Mr. MILLHOUSE: I believe he deserved to be executed. The crimes he committed were inexcusable and were a deliberate attempt to murder the Jewish race, and I believe he got the punishment he deserved.

The Hon. G. R. Broomhill: The element of retribution.

Mr. MILLHOUSE: Maybe, but I am confident that there would be few Jews who were not of my opinion on this matter. It shows how when one is personally involved, one's decision can be changed. That supports my view that there are some crimes for which there is no other appropriate penalty. I do not believe that it is possible to differentiate between degrees of murder. Everywhere it has been tried it has failed. We heard of the experiment in Great Britain, with the anomaly that a murder without theft was not a capital crime but if the murderer took 3d. from the person's pocket it was a capital crime. That did not make sense and illustrates that it is not possible to legislate for degrees of murder, because all circumstances are different. I believe that the only path to follow is the one we have in this State at present, in spite of the awful responsibility that rests with Executive Council to decide whether the penalty should be imposed.

Mr. Payne: May I ask whether you feel any remorse: you said you were a member of Cabinet and sentenced three people to hang.

Mr. MILLHOUSE: That is wrong. We had to decide in three cases, and in no case did we allow the penalty to be carried out.

The Hon. L. J. King: That does you great credit.

Mr. MILLHOUSE: If one leaves the situation as it is now, all the circumstances of the crime, and public opinion, both on that case and generally with regard to the imposition of the penalty, can be considered. It is a system that has serious drawbacks, but given the views I hold it is the only system that I can see that will at one and the same time allow the penalty to be imposed when it should be imposed and ensure that it is not imposed except when it is really deserved.

Mr. JENNINGS (Ross Smith): In speaking briefly, I shall try to be as dispassionate as possible about a matter that I feel passionately

about. I agree with the member for Elizabeth, who said that he did not think capital punishment was justified in any circumstance or under any consideration. That has always been my attitude and I have seen nothing to dissuade me from that view. I have spoken on this matter before and have thrown away my notes, because I thought that there never would be need to debate this issue again. I thought we had reached a stage of civilization in this State whereby we were able to pass a Bill of this nature without having to debate it in the way we have debated it today. Unusual, I know, but I speak in deep sympathy with the member for Mitcham, who unburdened himself to us this evening about things to which he had been subjected when, as a member of Executive Council, he had to make recommendations. Irrespective of what I think normally of the honourable member, I think he indicated to all of us that he was speaking sincerely. It seems to me to be a little peculiar in these circumstances that he can still be supporting capital punishment but, nevertheless, that is his right. I think we could probably call the member for Elizabeth, who has spoken on this matter on many occasions, the Sydney Silverman of the South Australian Parliament, and that is certainly something of which he should be proud. While I have heard most of what he said this afternoon in different terms previously, I am sure new members on both sides of the House greatly appreciated his speech.

I do not think much need be said about corporal punishment, which is not the most important matter in this Bill. The main aspect of the Bill relates to capital punishment. Much has been said about retribution and revenge and, of course, the deterrent aspect. I shall now make bold to say that there is no deterrent whatsoever about capital punishment and that it has never been shown to be a deterrent. In fact, on the contrary, as civilizations develop and people treat their neighbours and their brothers better, there is less reason to resort to any kind of capital punishment, even though we still have various forms of capital crime. One of the greatest arguments advanced in a debate such as this is that after a person commits a capital crime he will get a capital punishment.

However, we can never be exactly sure whether the crime has been committed, although we know that when the punishment is inflicted it is non-reversible, and we have seen much evidence of this. The member for Elizabeth this afternoon cited examples of it

and I could give him an equally long list although, unfortunately, I could not bring a Clark into it even though he seemed to enjoy bringing a Jennings into it. We know that most murders or capital crimes of any nature are not premeditated crimes: they are, on the one hand, crimes of passion, that is, anger; jealousy or fits of rage; or, on the other hand, they are crimes committed by people who are not mentally responsible for what they do. If these people are allowed to remain in the community and commit these crimes, society at large is at fault, not the person who unfortunately commits a crime of this nature.

One matter that has not been properly dealt with in this deterrent, revenge, retribution syndrome concerns redemption. I think that most members would be Christians to some degree and that we shall always claim that we have some sort of Christian feeling. However, if we find a person guilty of a capital crime but do not permit him a period in which to redeem himself in the eyes of whatever god he has, we are taking away from him any chance of redemption. The member for Glenelg has said that if he is ever found killing an innocent person he does not care what is done to him; surely, this presupposes that he himself will decide whether he is killing an innocent person or a guilty person.

Mr. Mathwin: I said man, woman or child.

Mr. JENNINGS: I am dealing with any person, and I am not reflecting on the member for Glenelg; but surely he would retain the qualification, whether or not he thought of it at the time, that he would be the person to decide whether he killed an innocent person or a guilty person. Someone said that, before people vote on issues such as this, they should look at the scene of the crime. Surely this is asking us to look at things from a purely emotional point of view. However, if we want to look at things from the other point of view, why cannot those who favour capital punishment be forced to see the scene of the execution? On occasions, I have conversed with clergymen and warders who have been at the scene of that crime, and it rather seems to me the wrong person has been punished. The people witnessing these hangings carry a scar for the rest of their lives, whereas the person who is hanged suffers only until then. What the honourable member advocates is a reversion to the law of the jungle. Surely what members of this Parliament should be seeking is something far different from that.

As I have said, I have never been in greater sympathy with the member for Mitcham than

this evening, when he explained to the House the position he had been placed in on two or three occasions. Then he brought in the third kind of murder, which is a political murder. We know that in many places in the world political murders are taking place. Surely this is the last kind of murder for which the punishment could possibly be regarded as a deterrent. If people are in places where they cannot get justice by normal means they will regard it as a crusade to murder someone, and being hanged makes them martyrs, so there is no deterrent to that sort of thing. My attitude to this matter is as it has always been. Although I have spoken on similar Bills in the past in greater detail, on this occasion I speak with equal sincerity in supporting the Bill.

Mr. RODDA (Victoria): I do not want to cast a silent vote, and I oppose the Bill. I was somewhat surprised to hear the Attorney-General say that the execution of Eichmann and others was a blot on our society. I consider that these people were just bloody mongrels. I was surprised when the Attorney said this. He may not have served in this field of war. However, I will not stand by without protest when I hear a Minister saying that about people such as Eichmann. They were practising genocide, and I could say something about what happened to the Jews, but it would not be relevant. I am struck by the great uniformity of opinion amongst members opposite. Members on this side of the House have supported the abolition of capital punishment. I do not get any feeling of satisfaction out of the fact that someone loses his life on the gallows. The abolition of capital punishment is a plank in the A.L.P. platform.

The Hon. L. J. King: It's one of our proudest platforms.

Mr. RODDA: I admire the uniformity of members opposite, but I believe they are under some form of compulsion. It is all very well for the member for Elizabeth to walk out of the Chamber, but members opposite are compulsorily held together.

The Hon. L. J. King: By the chains of our principles.

Mr. RODDA: I was one of the people who agreed to the commuting of the death sentence on a prisoner named Hallett. Members on both sides have said that they believe capital punishment is not a deterrent, but I believe that it is. I know of some notorious criminals from other States who will not

carry a gun in South Australia because they are frightened it might go off, and there is a rope on the end of it. Such people may shoot down a policeman or night watchman and thus be sent to the gallows, so in their case the death penalty is a deterrent. Members opposite have said that we should not have this law on our Statute Book. I think life is sacred, but there are some damn fiends in the community who would shoot me or you, Mr. Speaker, if it suited them, and I believe they should suffer this penalty.

Mr. Harrison: Speak for yourself.

Mr. RODDA: If members opposite are so keen on this, why do they not have a referendum on the issue?

The Hon. L. J. King: The member for Mitcham said that we would win a referendum.

Mr. RODDA: I do not think people would vote in favour of the abolition of capital punishment. I have been in the Attorney-General's district at times and two people there have told me that they strongly oppose capital punishment. We have seen cases of rapists who kill their victims.

The Hon. D. H. McKee: You support paid killers.

Mr. RODDA: That remark is completely unworthy. If the law must take its course then that is what must happen. The member for Playford saw fit to cast aspersions on the Playford Government by saying that this was the hanging State. I think the Attorney-General gave figures on this. Since 1900, South Australia has had 19 hangings; New South Wales, 23; Victoria, 21; Queensland, 18; Western Australia, 26; and Tasmania, 5. I think the last execution in South Australia was in 1964. It involved a man from the South-East who had committed a brutal crime. I do not advocate wholesale execution, but the present law should be retained. I have every faith in members of Cabinet and I do not doubt that any other Cabinet would act similarly. The provision is there as a safeguard. If the Bill passes (and it will not pass because of any effort by me) responsibility will lie with the Government. I am not terribly much in favour of abortion, but I wonder why we support that.

The Hon. L. J. King: You speak for yourself on that.

Mr. RODDA: That may be just as vital as this matter and the persons involved in it, who are at an extremely early stage, have not committed a crime. I appreciate the possibility of the hanging of an innocent man

but I consider that the Statute should stay in our law and I shall vote accordingly.

Mr. KENEALLY (Stuart): I support the Bill and am compelled to speak because of the statements made by members opposite. All members have spoken sincerely on the Bill and our members have supported it, because of Party discipline. We will vote life does not deter crime. It astonishes and repels me that, with one exception, Opposition members have said that they favour taking a man's life in retribution.

Mr. Mathwin: You're twisting words, as usual.

Mr. KENEALLY: Liberal Party members will vote to retain a system that will take a man's life. It is rubbish to suggest that members on this side will vote for the Bill merely because of Party discipline. We will vote for it because we sincerely feel that it warrants support. How can members of the Liberal Party, except the one member who supports the Bill, eagerly support a law that results in the taking of the life of a human being? We cannot support that legislation.

Mr. Mathwin: What's your feeling on abortion?

Mr. KENEALLY: My feeling on abortion, euthanasia and Vietnam is the same. I am consistent, because I respect the value of human life. It cannot be proven to me that any of these circumstances warrants the taking of human life. I admire what the member for Mitcham said about his feelings as a member of the Cabinet. He has said that having to make a decision on whether to take a human life is a most terrible and dreadful decision. It is easy for a person to say that he supports capital punishment when he knows that he does not have to push the button that releases the trapdoor. I suggest that people who think like this ought to consider the persons responsible for pushing the button. Alternatively, they ought to witness a hanging. It is easy, from a position of isolation, to favour taking human life, but taking a life does not bring back the person murdered and does not deter others from committing the crime. Why are members opposite so determined that the present legislation should remain? There can be only two reasons, namely, retribution or vengeance.

Mr. Mathwin: Justice.

Mr. KENEALLY: I cannot believe that, in a spirit of justice, members opposite can say that they will take a human life, because that achieves nothing. It does not deter and is done purely in a spirit of vengeance.

Opposition members consider that killing a person who has committed the crime wipes the slate clean, on the basis of an eye for an eye. How the word "execution" runs off the tongue smoothly, but "killing" is not such a nice word, and it is killing. It is easy to give the responsibility for killing to another person.

It has been suggested that we are not concerned about the victim, but we are so concerned about the victim that we have introduced a system of compensating the victim. It would be impossible to give full compensation in respect of some crimes, but to say that, because society has killed the person who murdered a member of one's family, that is compensation enough is the type of statement that can be made only by a person with a warped mind. Members opposite have mentioned war crimes, and I feel strongly about those crimes. Executing responsible people does not bring back those who have been killed and merely adds another death to the already long list. Personally, I do not consider that any justice is done by executing those found guilty of crimes committed in Vietnam.

It is about time we adults realized and accepted that, in war, crimes are committed not only by the enemy but by every country that participates, because war degrades people. I have never been in the front line but I am sure that all armies that fight there have been guilty of many crimes. To suggest that we should execute the enemy as a war criminal but not execute those from our own country who may be guilty of similar crimes is ridiculous. I am not casting a slur on the Allied Forces. However, I am sick and tired of hearing members say that one is not allowed to criticize the Western world or that one is not allowed to support anything that happens in a Communist country. It must be remembered that some good things happen in Communist countries and that some bad things happen in the Western world. Therefore, this is not a valid point to raise. I have been told that I should be ashamed of myself for suggesting that members of the Allied forces have probably been guilty of committing war crimes. One of the worst war crimes was committed at My Lai in Vietnam and, although no-one has been found guilty of committing an offence there yet, I should be surprised if eventually no-one is convicted. Members opposite, who suggest that persons responsible for war crimes are the lowest types of person and should therefore be executed, are really suggesting that the

officers in charge of the My Lai incident should be executed. If they consider that what happened at Nuremberg was right, they must say that the people responsible for the My Lai incident should be executed. As I do not accept that those persons found guilty during the Nuremberg trials should have been executed, I do not accept that any good would be achieved by executing those responsible for the My Lai incident.

I support the Bill, which is a progressive measure that reflects the feelings of the community at large. It continually astounds me why people who profess to have a Liberal philosophy are so much in favour of capital punishment. Do they stop to think that Government members who oppose capital punishment are so opposed to it from an humanitarian point of view? Members on this side regard human life as something very dear; I wonder whether members opposite hold the same view.

The Hon. D. N. BROOKMAN (Alexandra): This matter has had a good airing, so I will not make a long speech or try to be profound about it. I believe that every member who has spoken has been completely sincere, although occasionally some members have said a little more than they intended to say. I only wish that members would drop the habit of accusing their political opponents of being insincere. There were far too many accusations of insincerity during today's debate. I do not think it is a mere coincidence that all Labor members favour the Bill: I take their word that they generally favour the abolition of capital punishment and I can see much in favour of their argument. Indeed, I detest capital punishment, and I would favour its abolition except that I think more harm would follow from its abolition than from its retention. The member for Stuart said that everyone who took part in a war on both sides was guilty of war crimes.

Mr. McRae: He didn't say that.

The Hon. D. N. BROOKMAN: I do not know whether the member for Playford was present at that time.

Members interjecting:

The SPEAKER: Order! This debate has been conducted at a high level, and every member of this Chamber has the right to express his views. The member for Alexandra has been called upon to speak and he should be able to express his views without interruption.

The Hon. D. N. BROOKMAN: Thank you, Sir. Whether the honourable member said it or not is immaterial, as I do not believe he would have meant it. It would be shocking

if he did mean it. The people who have defended this country were characterized by unselfishness far removed from any suggestion of war crimes. A debate such as this should not be confused with military operations. The debate has become so confused that members have been arguing about the My Lai massacre in Vietnam, the charges in relation to which have not, as far as I know, yet been settled in another country. This aspect has not the remotest connection with the Bill, and it would be better if members did not refer to it.

Mr. Keneally: It was introduced by the other side.

The Hon. D. N. BROOKMAN: Even if that were so, it should not be referred to again. In any event, it was enthusiastically taken up by Government members. There have, through history, been far too many executions, and only in recent years countries that carried out executions have exercised moderation. I remember reading, about two or three decades ago, that Russia had abolished the death penalty, yet it has made many announcements since regarding the traitors of whom it has disposed. Everyone would agree that many murders not warranting the death penalty are committed. Conversely, no-one would say that execution was warranted in all cases in which guilt was proved. Statistics produced to prove or disprove an argument are often so meagre that they are not worth much respect. If we agree that many murderers should not be executed, we must agree that there is a difference in the types of crime committed. The death penalty will not be a strong deterrent to a person who is liable to commit a crime in a fit of passion. On the other hand, there are crimes that are callously planned and carried out by people who could not be considered to be insane or abnormal, and these crimes may warrant the death penalty. However, people who commit them may be deterred by the fear of the death penalty. I believe that policemen, warders, and administrators, who have more to do with crime than we do, would support my view.

Mr. Crimes: There is no proof: it is a personal assumption.

The Hon. D. N. BROOKMAN: That is my message: we have no proof that my contention is correct any more than it can be proved that it is incorrect, or that the Attorney-General can be proved right or wrong. This is a matter of opinion. I believe that certain persons will not be deterred although there is a possibility that the death penalty may be imposed. In countries occupied by oppressors

in the last few years many executions were carried out after an occupying soldier was killed by the local people. These executions did not suppress the spirit of the people but, in spite of their heroism, there was a marked reluctance to oppose the occupiers because of the likelihood of death if they were connected with any incident. That was a deterrent, and I believe it applies in this community in the same way.

Usually, public sympathy is aroused when murders of, or crimes against, children are committed. I can remember the case in another State where a small boy was kidnapped and later found dead, and there was greater public indignation about that crime than about any other that I can recall. It is impossible to grade a crime satisfactorily by legislation. The member for Mitcham referred to Great Britain where an effort was made to grade murders. It proved unsatisfactory, because I believe that it can only be left (as are so many other things in the State) to the final judgment of the Government of the day, that is, to Executive Council. Those persons have a great responsibility, which they should accept not with preconceived prejudices but with a readiness to discuss and consider the case as to its effects not only on the murderer but also on potential murderers. If it thinks that the crime warrants the death penalty and that that would be a deterrent to others, I believe that Executive Council would be exercising its responsibility correctly in not interceding to stop the execution. I know that I shall be told that many statistics will prove execution is not a deterrent, but I believe that that opinion is not related to certain callous crimes. I believe that the civilized world is losing the race against crime.

The Hon. D. H. McKee: Have you decided on hanging?

The Hon. D. N. BROOKMAN: The honourable Minister can work that out for himself: I shall not be side-tracked into personal statements. We should not remove from the defenders of society one weapon that could be of considerable value. I do not say that anyone can prove that it is or it is not, but we should not remove it if it can be of value. Members have heard me object to the unreasonable increase in the density of population to a given area, and I believe that it is this density in some parts of the world that makes crime prevention and control almost impossible. We are fortunate in

this country because we can, for the most part, walk about our streets and countryside alone and unprotected, and be safe.

In our feeling of security, we may be inclined to get away from the realism of a situation. Indeed, this feeling of security is occasionally rudely shaken when a murder takes place that horrifies the community. Let us not remove the deterrent that may well act as a safeguard for innocent people. It may be no surprise to members when I say that I am not in favour of leg irons and that sort of thing, but I do not believe that that is the major part of the Bill: we are concerned mainly with capital punishment, which I strongly believe should not be removed from our laws. I oppose the second reading.

Mr. BURDON (Mount Gambier): Previous speakers have referred to the situation existing in other parts of the world in relation to capital punishment, but we are considering here a Bill dealing specifically with a law affecting the people of South Australia. It has been said that, in advocating the abolition of capital punishment, which represents Labor policy, we are bound by that policy, but this is also my own personal view, and I have held it all my life. I have always felt a revulsion at the carrying out of an execution anywhere in the world. I believe that capital punishment is barbaric and that it should no longer remain a provision on our Statute Book. The Attorney-General advanced a clear case for abolishing capital punishment in this State, as did the member for Elizabeth, who has made almost identical speeches on this matter in the past, and I entirely agree with their remarks. In addition, the member for Playford capably advanced a legal argument in favour of abolishing the death penalty in this State.

Certain speakers have said that hanging is a deterrent, but I do not believe it is. The various statistics available and Royal Commission reports all favour abolishing capital punishment. The emotional aspect associated with the death penalty and with murder by degree has been stressed in this debate, but I do not believe that it is possible for the State to legislate in the case of murder by degree. The member for Mitcham referred to three occasions on which he, as Attorney-General, had to decide whether a person convicted of murder in this State should receive the death penalty, and I give him credit for tendering to Cabinet advice, which was accepted, on the three occasions in question

and which was contrary to the attitude he has expressed to this measure. I hope that such decisions as this will not have to be made in the future and that in future no person will be placed in the situation of having to decide whether or not a man should go to the gallows, for that is a decision that no-one wishes to make. I believe that we have reached the stage where, through the scientific knowledge available to us, we can determine the reason why people commit the crimes with which we are concerned.

I do not believe that a normal person would in any circumstances commit murder, except perhaps in self-defence. There is something in the make-up of a person that causes him to commit, say, a murder. For this measure to pass, it must receive the support of not only the majority of members in this House but also a majority of members in another place, and I hope that the majority of members in another place will in fact support the Bill, so that one of the most abhorrent pieces of legislation that exists in this State today will be removed from the Statute Book. I have pleasure in supporting the Bill.

Mr. GOLDSWORTHY (Kavel): I think it was the member for Mawson who said that he considered this measure to be the most important Bill to come before the House during the current session, and I agree that it is an important Bill. The Attorney-General has said that by introducing measures that will allow, say, certain forms of pornography to enter the community we are merely meeting a demand that exists in the community and that it is the democratic right of people to have this sort of thing. To be consistent he should use that argument in support of retaining capital punishment. The argument advanced by Government members has been on a philosophical and emotional basis, even though certain speakers on this side have been accused of using an emotional argument. However, the basis of the Government's argument is an emotional one, and this certainly applies to the concluding remarks made by the member for Elizabeth, who made an emotional plea on behalf of a condemned man.

I believe we should look at the matter rationally. I am far from convinced that the general public wants to see capital punishment abolished. I believe that there is a widespread difference of opinion on this matter within the community. I am inclined to agree with the member for Mawson that this is an important measure and therefore I think that it should be a matter for a referendum.

Mr. Hopgood: Have you seen any Gallup polls lately?

Mr. GOLDSWORTHY: In the light of recent events in Great Britain, I do not think we can consider these polls as the final answer. Perhaps the Government should have had a Gallup poll with regard to shopping hours. I am far from convinced that the general public wants to see capital punishment abolished. People want to see it retained, not for frequent use but for use at the discretion of the Government of the day. The last case of capital punishment in Australia was in Victoria, and there was an outcry, as there always is. Nevertheless, I believe Mr. Bolte had the support of most of the people in Victoria.

Mr. Crimes: Did that make it right?

Mr. GOLDSWORTHY: The Labor Party cannot have it both ways. The Attorney-General is not prepared to deal with pornography on the basis of whether it is right or wrong but wants to deal with it on the basis of what society demands. The Labor Party wants to argue that one thing is a moral issue and that another must be the reflection of the public will. It would be a serious decision for any member of Cabinet who had to weigh the evidence in the light of a capital crime, but I believe that capital punishment should be retained; murder and violence are serious matters. I believe society has the right to protect itself and, in some circumstances, this protection must take a severe form. Government members are not prepared to concede that punishment should extend as far as taking a person's life. However, I believe that in some circumstances capital punishment is justified.

Although I have not heard every speech, I listened to the member for Mawson, and I think it is one of the better speeches I have heard from him: it was a well-reasoned speech. He made four points. The question of retribution is real in the mind of the public. The eye-for-an-eye aspect is not basically relevant here, as people are not executed in the circumstances in which they commit murder. I am prepared to concede that some penalties in the past have been far too savage. Some killings, however, are in the most extremely vile and premeditated circumstances, and in such cases it should be at the discretion of the Government to decide whether capital punishment should apply.

Mr. Langley: What about—

The SPEAKER: Order! The member for Unley must not interject when he is out of his

seat. This debate is being conducted on a high level, and the member for Kavel must be heard in silence.

Mr. GOLDSWORTHY: The point I make is that I do not think there is any set policy binding members on this side on this question. If the Labor Party is under orders to vote in a certain way on most issues, that is its business. However, members on this side reflect the view of a good many people in the community. I do not say that the death penalty should be applied; I believe it should be used most infrequently, as it has been in the past. However, it is a deterrent, despite what members opposite say.

Applying the emotional argument, in some countries conditions are more chaotic than they are here, and members opposite would be only too glad to have a penalty of this type in such places to preserve law and order. The citizens of a country are concerned to preserve law and order. What is the view of the Police Force? If we consult those who are concerned with law and order, we find that the feeling is that capital punishment is a safeguard. If it is removed we may have to arm the police.

Mr. Jennings: Have you ever consulted the police?

Mr. GOLDSWORTHY: I have talked to police officers. There are circumstances in which the extreme penalty is justified. An emotional statement has been made about the degrading effect of this punishment. No-one relishes the thought of this, and anyone who did would be inhumane. However, no-one relishes the thought of some of the things that people in society do to each other, but we have to live with this, come to terms with it, and find some practical solution to it. In the circumstances, I do not think the Government has the right to dictate to any future Government that that Government shall not have the right to say whether it believes that capital punishment should apply.

The matter of corporal punishment is also dealt with in the Bill. I listened with interest to what the member for Elizabeth said, and I agree that some provisions are outdated. If we want to apply the emotional argument that some of these things are degrading, there are many crimes for which the word "degrading" is hardly strong enough. If this argument is to be used, one must think of the broader question whether one is justified in hitting or striking people in any circumstances. I remember raising the question here whether children in schools should be caned. It can

be said that it is degrading to cane students. From firsthand experience, I can say that people can argue on all sorts of theoretical grounds for the abolition of this sort of punishment, but a quick punishment, not exacted in anger, has an effect that no other type of punishment has. I have talked to people from the United States, where caning children on the hands is not accepted. This leads to many problems. I am referring here to the Government's philosophical argument. We must consider practical implication. If the argument for corporal punishment applies here, we must apply it in all circumstances. That type of punishment has a salutary effect.

Nevertheless, the general opinion is that the general provisions for corporal punishment are too savage and many things that were acceptable in medieval days are not acceptable now. We have been accused of being inhuman because of our point of view, but this criticism is unjust. We consider practicalities, including what happens elsewhere and what situations could arise. In all these circumstances, there is no justification for the complete removal from the Statute of provisions for capital punishment. I shall oppose the Bill for these reasons.

Mr. COURCE (Torrens): I regret that the tenor of the debate this evening has not been experienced in other debates earlier in the session. We are dealing with the important subject of human life and honourable members have spoken honestly, sincerely, genuinely, and conscientiously. Clause 2, the nub of the whole matter, provides that no death penalty shall be applied, and later the Bill deals with corporal punishment. I hope we have passed the retribution stage and the Mosaic law principle that the member for Light has mentioned and that we have got to the modern rehabilitative view. We must be careful not to let the pendulum swing too far the other way, in these days of what is commonly called the permissive society. I have been a member long enough to have taken part in several debates on this subject, and I recall the debates on the Stuart case.

Mr. Clark: It was a very good debate.

Mr. COURCE: The member for Elizabeth will recall that there were two debates then, one on a motion moved by the late beloved Mr. O'Halloran and then an urgency or no-confidence motion.

Mr. Jennings: He's beloved now he's dead.

Mr. COURCE: The honourable member may comment as he likes, but I respected the

late Mr. O'Halloran. As one who has been a member of Cabinet for about 2½ years, I am the first to agree with the member for Mitcham that to consider the transcript of the trial in a murder case and of any appeal is a harrowing experience. Each member of the Cabinet must make up his mind and he has the opportunity to consult the trial judge. In addition, the Attorney-General has the opportunity and privilege to comment. This evening many references have been made to deterrence. While deterrence is still with us, it is not nearly as valid as it was years ago. We must forget the old days when we had terrible retribution. Many of us have seen modern films like *Cromwell* and *Anne of a Thousand Days* and many of us have read of the Spanish inquisitions and the frightful things that happened. We have also read of Richard III.

Mr. Crimes: And the Hitler regime.

Mr. COURCE: Exactly. I was interested in what the member for Spence said, because usually we read his comments in letters to the editor, whereas this evening we have heard them in the House. It is good that we have got away from the old days, and the emphasis now is on rehabilitation. This issue is a social question, not a Party question, and we must forget politics entirely. We must decide how far to go, whether to wipe the slate clean, leave the position as it is, or go part of the way. I have followed with interest the extraordinary and courageous career of Mr. Silverman, a member of the House of Commons, who, probably more than any other person, crusaded in Great Britain for the abolition of capital punishment. Eventually, he got his way and legislation was introduced. However, Great Britain is now having second thoughts on this matter.

I heard the member for Spence refer to the Norval Morris report regarding Ceylon, and I know that that country is having second thoughts about the report, which advocated abolition of capital punishment. Most members have been conversant, in some way or other, with murder cases. There have been two murders in Prospect in the last two months, one of which occurred only six weeks ago in the street in which I live. I know the horrifying effect of a murder, not only on the immediate family, but on the whole community.

We must consider what happens to the murderer. In the Tudor and Stuart periods one knew one would lose one's head if one committed a crime. Also, many sorts of torture to which people were previously subjected do not exist today. Although the

Attorney-General advocates the abolition of capital punishment, he knows as well as I do that the last hanging in this State took place in 1964, and that successive Governments have commuted death penalties to those of life imprisonment. This shows that we are more enlightened in this matter: Cabinet has not resorted to retribution.

One must remember, as has been stated by various members, that there are varying degrees of murder. However, any murder is horrifying, particularly when it is accompanied by rape or when young children are involved. As recent Governments have seen fit to commute death penalties, yet still retain the death penalty on the Statute Book, I wonder why the present Government is so eager for this penalty to be abolished. I believe that all members who have spoken have been sincere. I can see no harm in retaining this provision provided that future Governments, whatever their political complexion may be, exercise their rights and powers compassionately.

Mr. Crimes: But is there any guarantee of that?

Mr. CUMBE: Governments of different complexions have in the past exercised compassion. I have met many murderers in prison, and I hope that one day they will be rehabilitated. The member for Fisher referred to the length of time a murderer should spend in prison. Differing views are held in this respect: whether a person should be rehabilitated and returned to society as a useful citizen or whether he should be imprisoned for the rest of his life. The member for Flinders said that perhaps a murderer should be imprisoned for the term of his natural life. One must then consider the matter of law enforcement. Should the members of our Police Force be armed all the time? I hope South Australia never gets to the situation in which many overseas countries find themselves, their policemen walking around with large pistols in their holsters and holding night-sticks. I do not like this practice and I hope South Australia never sees it. We must support our police officers and prison warders, all of whom are charged with the responsibility of enforcing the laws made by Parliament. In this respect, the foreshadowed amendments will be worth while.

Why should the Government not retain the *status quo*, as no harm is being done by the retention of this power on the Statute Book? Past Governments have commuted life imprisonment sentences, and, if a person is in future convicted of a horrible crime that

would merit the death penalty under the present law, his sentence will probably be commuted. One has only to cast one's mind back 40 or 50 years, when so many crimes attracted the death penalty, to see how the number of such crimes has been reduced. What was regarded previously as a heinous crime, for which the penalty could be execution, is not regarded so seriously today.

I agree with the Attorney-General's suggestion about corporal punishment. Royal Commissions in Great Britain and in other parts of the world have examined the question of deterrence and many views have been expressed. I believe that in South Australia we have a duty to law enforcement officers, and I suggest seriously that we should leave the law as it is. What I have said has been based mainly on my experience as a citizen of this State, as a member of Parliament, and as a Minister who has had the unfortunate experience of deciding this question under the present law.

Mrs. BYRNE (Tea Tree Gully): I, too, believe that corporal punishment should be abolished, but for a reason different from any that has been advanced this evening. When a killing takes place we all know that the victim cannot be brought back to life. We have heard arguments about the position people are placed in because of their association with this incident, such as the hangman, the clergyman, the prison warder, and members of Executive Council. What has not been referred to is the position in which the relatives of the victim and of the killer are placed. The victim's relatives have suffered a tragic loss and receive sympathy from neighbours and friends, but eventually they usually lead a near-normal life.

Naturally, they do not forget the incident and the loss of their loved one. However, they continue their lives and the incident becomes a memory. Most members know people who have been placed in this tragic position. However, let us consider the position of the relatives of the murderer after he has suffered the penalty imposed upon him of being executed. This is not the end of the matter, because the relatives are still alive and have to face the situation. I remember many years ago some children I knew who were teased and ridiculed by other children at the school they attended, and eventually they had to leave this district and may have left the State, as I lost contact with that family. I did not know the mother and father of the convicted murderer, but we should think how we would

feel if the murderer, who was hung, was a child of ours.

In another case, a young woman was to be married and someone said to me, "I am going to a certain person's wedding; her father was a murderer." The incident had happened many years before but it had not been forgotten. Although the murderer suffers the death penalty the relatives become the innocent victims. It would be better if a murderer was not executed, if only for the sake of his relatives, who have to live in the community for the rest of their lives. He should be sentenced to life imprisonment. I trust that members agree with me and will think about people they have met who have been placed in this unfortunate position. I am sure that they would not like to be placed in that position, and I am sure that I would not like to be. I support the Bill.

Mr. GUNN (Eyre): I wish to have on record that I favour capital punishment in certain cases in which this penalty is necessary. We are all aware that Executive Council can commute every death sentence, and I do not think that removing the death penalty provision from the Statute Book will serve any useful purpose. I believe that all members who have spoken in this debate have spoken sincerely and probably from their hearts, except for the member for Stuart, whose remarks amazed and disgusted me. I refer to his attack on the young men who are serving this country so well in Vietnam. It is deplorable that a man should stand up in this House and attack men who are doing nothing but good in serving this country.

Members interjecting:

The SPEAKER: Order! The honourable member must link up his remarks to the Bill.

Mr. GUNN: Certainly, Mr. Speaker. Although I will not continue in that vein, I did not wish to miss the opportunity to refer to that unfortunate speech. Not only do I support capital punishment in certain circumstances: I also support corporal punishment. Although I do not believe that we should inflict a beating on every person who commits a serious crime, I believe that in certain cases this form of punishment acts as a deterrent on those people who would commit crimes such as bashing and rape. As I do not think that any useful purpose would be served by removing these provisions from the Statute Book, I oppose the Bill.

Mr. SIMMONS (Peake): I do not normally take part in debate because, after being in this House for six months, I am firmly of the opinion that, when three or four people on either side have spoken, most of the worthwhile argument has already been advanced. However, I wish to refer to several points that have been raised. It has been said that members on this side are speaking with a united voice, because it is alleged that we are subject to the discipline of the Labor Party and that this measure represents our policy. It is precisely because we are opposed to barbarity such as the death penalty that we on this side have joined the Labor Party, which has humanitarian principles. Certain members have advanced three possible reasons for retaining capital punishment: rehabilitation, retribution and the deterrent aspect. Not one member opposite has been able to show that the death penalty is a means of rehabilitation—

The Hon. L. J. King: It doesn't leave much time.

Mr. SIMMONS: —so we can write off that reason. The second reason concerns retribution: I believe that circumstances exist in which punishment is appropriate but, despite the protestations of members opposite who say that the correct punishment for murder is death, they are in fact applying the rule of an eye for an eye and a tooth for a tooth. I do not believe that this is a civilized and modern concept. If we must have punishment, there are other means which are not irreversible, as is the death penalty, and which are not degrading in respect of those who take part in them. The final justification advanced for the death penalty is the deterrent effect. As far as I am concerned, the death penalty may be a considerable deterrent, but I hope that I am sufficiently civilized not to require a deterrent of any sort.

The member for Alexandra said that the death penalty was a deterrent and referred to the period during the war or periods when countries had been oppressed by other countries, when there had been a fear of savage penalties, including the death penalty, being exacted by the occupying power. Obviously, in countries such as South Africa at present, for example, an untenable social position is being maintained, largely by the fear of death. Nevertheless, I think that this was an odd argument for the member for Alexandra to advance, because some of the most glorious episodes in all of the filth and degradation of war relate to those cases where oppressed

people have defied the death penalty. Any one who has read the history of occupied Europe, for example, will realize that the death penalty did not stop French railway workers from carrying out their sabotage activities or stop the Russian and Ukrainian peasants from trying to halt the Nazi war machine. Therefore, the death penalty, although it may be a deterrent, is not an absolutely reliable deterrent, and there are people who, from force of principle, are prepared to risk that penalty.

There are other people (and, of course, this applies to most people involved in capital punishment) who do not sit down and carefully weigh up the risk of being executed; the circumstances in which they commit their crime make this quite impossible. Therefore, I do not think that the death penalty is always a deterrent, and I certainly do not believe that it is the most effective deterrent. Several references have been made to killing in war, and this is not irrelevant to the Bill, which deals with the subject of taking human life. I believe that the taking of human life is obnoxious at any time, but there have been circumstances in which taking up arms has been justified. I believe that the Second World War provided many such examples: the Poles who were attacked by the Nazis; the Dutch who saw Rotterdam blasted by the British; and the Chinese, Filipinos and Americans who were subjected to attacks by the Japanese, etc. These nations that were being attacked took up arms to try to stop the Nazis and the Japanese militarists, and their alternative was genocide, slavery, degradation and death. This inevitably meant killing people.

I was a bomber pilot in the Second World War, and throughout my operations I tried to carry out my job to the best of my ability. This meant dropping, as accurately as possible, my plane's bomb load on troop trains, wharves, munition works and even on whole cities, and I am not so naïve as to believe that there were no people down there: men, women and children. Therefore, I was almost certainly responsible for the death of many people, but for the reasons that I have given I can live in peace with this knowledge. However, I am sure that there have been many wars that have not carried the justification that I believe the Allies had during the Second World War and, in this case, war is a crime against humanity.

As I have not stated this before in the House, I should like to make my position clear in respect of the present war in Vietnam,

and I believe that is the type of war to which I have just referred. The member for Eyre has left the Chamber, but I wish to say that I do not blame the soldiers, airmen and sailors who are fighting the war in Vietnam or their officers, unless there is a flagrant case of criminal action such as I believe took place at My Lai. The greatest blame lies on those responsible for waging this war and those who, like many members opposite, support them. I support the Bill.

The Hon. L. J. KING (Attorney-General): I think it is fair to join with other members who have said that the debate has been conducted on a high plane; it is probably the best debate I have heard during my time in the House because members who have spoken have addressed themselves to the question, making some real contributions to the matter. I think it is important to try to keep clearly in our minds what are the central issues involved in discussing the abolition of capital punishment in particular. I will refer to corporal punishment later. It seems to me that the central point that we must keep in mind when considering the question is that the act of inflicting capital punishment is the act of inflicting death: it involves depriving a human being of his life in calculated and premeditated circumstances. It is a premeditated and cool act on the part of the community acting through its organized instrumentalities to deprive a citizen of his life. Inevitably a discussion of the merits of capital punishment involves a reference to the sanctity of human life.

If we accept that every human being has an intrinsic value as a human being and that his life is intrinsically worth while, it follows that we can justify capital punishment only if it can be shown conclusively that it is the only means by which the community can protect itself against a crime or against certain types of crime. Therefore central to the whole debate is the question of the sanctity of human life because, in taking a human life, the community necessarily devalues human life, encouraging or fostering in the community at large a feeling that human life is not intrinsically inviolable and that there are circumstances in which it will be taken by the State. In addition, several honourable members have referred to the degradation that inevitably goes with the whole business of capital punishment, the feelings of horror and inhumanity that are experienced by all sensitive individuals who are concerned in the ghastly ritual of

sentence, preparation for execution and execution itself. All this tends to devalue human life in the eyes of members of the community. This is so undesirable and harmful to a community that it can be justified only if it can be shown that it is a uniquely effective deterrent against a crime or certain types of crime.

The Leader of the Opposition took the point that certain classes of murder, in his view, merited the inflicting of death as a punishment. He made the point on the basis that these crimes were of such a nature that it was necessary to have a penalty with a severe deterrent effect in order to deter people who might be minded to commit these crimes from committing them, and he instanced crimes such as murder following a kidnapping, murder of a police officer, and murder as a business for profit. I suggest there are several fallacies in this approach. First, this argument assumes that capital punishment is a uniquely effective deterrent and is able to do something that other forms of punishment cannot do, namely, deter a person who might be minded to commit a crime from committing it. It is precisely this point on which there is no proof at all; none has been advanced during this debate nor has it been advanced in numerous discussions and debates that have taken place inside and outside Parliaments in this and other countries on this question. The basic premise of the Leader's argument is falsified. The whole of his argument is based on the assumption that capital punishment in some way will operate as a uniquely effective deterrent against crime of this kind.

In addition, the whole concept of confining capital punishment to certain types of crime does not meet the other most important argument, the force of which was conceded by many members opposite, that punishment is of its nature irreversible, and this applies no matter what a person is executed for—he cannot be called back to life. If it is a valid argument against capital punishment that because it is irreversible an error can never be rectified, that applies whether it is a murder in the heat of passion, a cold-blooded murder for profit or a murder of a police officer or law enforcement officer of some other type. Indeed, any attempt to classify crimes according to their seriousness (according to the atrocious nature of the crime) runs up against another serious difficulty, and I believe this was really the point the member for Mitcham was making. He was inclined to argue that capital punishment was justified in certain cases because of the atrocious nature of the crime,

with the idea that the punishment must be in some way proportionate to the crime—in other words, that appropriate retribution must be exacted for a crime of a certain type.

The difficulty is that, even if one accepted retribution as being a valid basis for punishment, one would have the enormous difficulty that no human tribunal could ever satisfactorily assess subjective guilt. A tribunal may be able to judge the crime and the circumstances surrounding it, but no human tribunal can really look into the heart and mind of anybody or really assess the forces that operate on the mind and character of an individual who comes into conflict with the law. All sorts of factors, such as his hereditary makeup, the experiences he has encountered, the influences that have operated on him, and his environment at the moment, play a part in the degree of personal guilt of a person involved in a crime.

So, although we can judge that a particular crime is atrocious in character, we can never judge that one man is more guilty than another from a subjective point of view. To try to say that some crimes are so atrocious that death should be inflicted because it is the only punishment that can be applied proportionate to the crime is to submit a mistaken argument, because it assumes that a tribunal can really assess the degree of subjective guilt of the person with whom we are dealing. The point about this is that, with most penalties, one must remember a number of points of view. One considers the deterrent effect on other members of the community and the opportunity to rehabilitate the particular offender, and judges fix penalties after considering all those matters.

However, a judge can never really judge the individual guilt of the person concerned. He can make assessments and bring the best of his knowledge to bear on the circumstances that he knows of the man, but no-one can really look into the mind of a human being and satisfactorily determine the degree of subjective guilt. Indeed, I go further and say that experience shows that, the more atrocious the crime, the more likely it is that the offender is not completely normal and responsible for his action.

The most horrible crimes committed are those that a normal stable individual could not bring himself to commit in any circumstances, and the fact that he has committed a crime indicates that one is dealing with an unusual individual, someone suffering some distortion of personality or some disability, such

that one may never be able to fully understand and assess. It is dangerous to reason from the atrocities surrounding a crime to the degree of subjective guilt of the person involved, and nowhere is that found to apply more than in the case of murders, because we know of murders that are so atrocious and horrible that they arouse feelings of revulsion and horror and, if we are rational and keep control of our emotions, we will argue that, the more atrocious the crime, the less likely it is that we are dealing with a person who is responsible for his actions as a normal stable person in the community.

Mr. Millhouse: What do you think should have been done to Adolf Eichmann?

The Hon. L. J. KING: If I may presume to suggest what should have been done with him, I suggest that he should have been sentenced to imprisonment for life for his crimes. As I understand his history and that of those associated with him, he was guilty of some of the most atrocious crimes committed in the whole of human history and I appreciate and agree with the feelings of revulsion and horror expressed by the member for Victoria in relation to the crimes of genocide that were, as I understand, sheeted home to Eichmann and those associated with him.

However, I say that Eichmann and his Nazi associates, by their crimes, set the human race back a long time. They devalued human life in Europe to a degree that had been unknown in Europe for a century or longer. When the Israeli Government, with feelings of revulsion which I understand fully, then gave way to those feelings and inflicted the death penalty on Eichmann, that did not put the record straight: it simply set human nature back further.

Judgments formed in the heat of wartime and the atmosphere of the feelings which follow the horrors of war and the feelings generated by the loss of life of friends and family, people very close to us, are often the worst possible bases for the formation of future policies. To add to the dreadful crimes committed in the days of the Nazi regime one further loss of life, deprivation of life, created nothing, but cost the human race and civilization just that little bit more. It would have been so much more an advance of civilization and of the human race if the people concerned in that situation had found it in themselves to say that, despite what happened to Germany and other parts of Europe under the Hitler regime, they would not degrade themselves to join in taking human life.

Certainly, I would not criticize those who administered justice to Eichmann according to their laws and what seemed best to them but I only say that to use that as an argument in favour of capital punishment in South Australia is to take a mistaken view.

Mr. Evans: What is your opinion of what is meant by sentence for life? Is it natural life, or five years or 20 years?

The Hon. L. J. KING: Life imprisonment is understood by the laws of this State. I understand that, when a man is sentenced to life imprisonment, that means imprisonment for the term of his natural life; but it is subject to the prerogative of mercy and the regulations that apply, which I understand mean that in many cases persons sentenced to life imprisonment do not serve the full term of their natural life. This should be a discretion vested in the proper authorities, for the reasons that the member for Torrens has given.

The degree of difficulty in assessing the degree of guilt involved in murders, even in assessing subjective guilt, is great indeed and in many cases a murderer would be no more likely to kill than would any other member of the community, because the offence arises from a set of personal circumstances that led to the offence, and it would be wrong to deprive the authorities responsible for these things of the discretion to release a person sentenced to life imprisonment, and to close up all hope of rehabilitation and of being able to lead a normal life in the community. To do that would be vindictive and to say, "You committed murder, and there you stay for ever. It does not matter that you have rehabilitated yourself, that your character is transformed, or that you are ready to live a useful life in the community."

I do not consider that this could ever be a satisfactory approach to the situation. It has never been taken by any Government in this country, and I am sure it will never be taken. That is not to say that there are not cases in which the murderer should never be released. I have not tried to ascertain whether persons have been kept in our prisons for the whole of their lives, although probably some have. This is a matter that has to be decided in each case when the recommendation for release is made.

Mr. Nankivell: Some are kept at Her Majesty's pleasure.

The Hon. L. J. KING: The honourable member is undoubtedly referring to a person who has been found not guilty on the grounds of insanity. However, I am speaking of the

punishment imposed on persons convicted of murder.

Mr. Nankivell: These people have been convicted of murder.

The Hon. L. J. KING: Then they are not committed during Her Majesty's pleasure. They are sentenced to death, and that sentence is commuted to life imprisonment.

Mr. Nankivell: Never to be released.

The Hon. L. J. KING: Some are not released. However, the Royal prerogative of mercy can never be abdicated: it always exists and it can be exercised in favour of release in the appropriate case. I refer to the comments of the member for Fisher, who argued in favour (although not with much enthusiasm) of capital punishment in certain cases. I think he referred particularly to murders of law enforcement officers, such as police officers and prison warders. He put the argument in a way that struck me as being rather odd, because he said he did not believe the death penalty operated as a deterrent. Rather, he viewed it (to use his own words) simply as a matter of punishment. In other words, he said that the murder of a police officer or a warder should be punished (meaning that the only punishment proportionate to the crime was death, and that the murderer should therefore be punished by death) but not on the basis of deterrence. I do not understand that argument, because, if the death penalty is to be inflicted for certain atrocious crimes, it does not necessarily follow that such a crime may involve the murder of a police or prison officer.

Some members have advanced the argument that the death penalty should be reserved for murders of this kind on the deterrence basis: that it is necessary to protect such officers in the execution of their duty by what is said to be a special deterrent of death. However, that is not how the member for Fisher put it, and there is no basis for saying that a certain penalty should be imposed on that basis in respect of the murder of prison or police officers. As I have said previously, the possibility of error exists in all cases and, therefore, the argument about the irreversible nature of the death penalty applies as much to the murder of a police officer or prison warder as it does to the murder of anyone else. When I interjected to that effect, the honourable member was disposed to say that I was wrong and that when a person was escaping from prison there was no doubt about the commission of a crime.

Mr. Evans: There would be less doubt.

The Hon. L. J. KING: That is at least a concession that there might be some doubt, so one still returns to the irreversible nature of the punishment. Even the argument that the honourable member now puts is not necessarily valid. There can be grave doubts about the circumstances of a death caused during a prison escape, because often more than one person is involved. In circumstances such as these, there may be some doubt about who is responsible for the death. All members are mindful of the last execution that took place in Victoria of one of two who escaped from prison. There was a strong dispute at the trial whether the shot was fired by the man who was hanged. It is not for me to comment on the accuracy of the jury's finding or on what the true facts were. However, the true facts of a crime committed in those circumstances can be just as much the subject of a dispute as can those of any other crime. Therefore, the problem regarding the irreversibility of the death penalty applies as much to that type of murder as it does to any other type of murder.

Something was said during the debate about the Mosaic law. The member for Glenelg said that the *lex talionis* was to be found in the Bible. The Mosaic law was an extremely progressive criminal code, and had the effect in relation to the *lex talionis* of mitigating the severity of the practices that hitherto existed. The expression "an eye for an eye and a tooth for a tooth" is much misunderstood, as the intention of the Mosaic law, as scripture scholars (those who have looked into the background of the matter) tell us, really means that one shall take no more than an eye for an eye or a tooth for a tooth, because such was the nature of the times that if one lost a tooth one was disposed to knock out a whole mouthful of teeth in retaliation and, if one's relative was killed, one was disposed to kill off a whole series of relatives of the offender. The object of the Mosaic law was to civilize, humanize and mitigate the effects of human passion and the human tendency to exact retribution to an excessive degree.

I do not intend to go into the matter of attempts to legislate for degrees of murder or to confine capital punishment to murder in certain instances or of certain types, as there will be an opportunity in Committee (if the papers I have are a true indication of what will happen) to debate this matter on a specific amendment. However, I should like to refer to a comment made by the member for Glenelg. He said that the abolition of capital punishment in the United Kingdom

was an act of the Wilson Government. However, the movement to abolish capital punishment in the United Kingdom was of long standing: it was a crusade that was led by the distinguished Parliamentarian to whom the members for Elizabeth and Torrens referred: Sydney Silverman, who had the support of members of both the major Parties. Some of the expressions during the debate on the 1970 Bill in the United Kingdom are interesting; I will refer briefly to some of them from the Conservative side of politics.

Mr. Mathwin: But it was not on Party lines.

The Hon. L. J. KING: That is so, and it is interesting for one to hear what some of the distinguished Conservative Parliamentarians had to say about this matter. As it was suggested that it somehow was an act of the Wilson Socialist Government in England, it is worth considering what persons of non-Socialist political thoughts had to say about it. One of the interesting contributions was made by Sir Edward Boyle, a Conservative member of the House of Commons, who said that, although some people still thought that a law could be devised to deal with the worst cases of murder, and yet not be open to the objections to the Homicide Act, he believed that an attempt at a new and improved Act on the 1957 model (a capital murder type of model) would not succeed. He continued:

I am against a penalty which deprives anyone of an ultimate message of hope. I recognize that some murderers and other criminals must be kept deprived of liberty for a considerable time, even a very long time, but any penalty other than the death penalty leaves some hope for the future.

The Bishop of Durham said that one person hanged in error seemed too high a price to pay when that price was measured in terms of human life and the human error involved was irrevocable. While the demand for hanging was an understandable reaction against a violent criminal, it was negative, incoherent and devoid of creative possibility. Earl Jellicoe (Deputy Leader of the Conservative peers) during the debate in the House of Lords said that he was and remained an abolitionist in principle, and queried the timing of the measure. Lord Byers, Leader of the Liberal peers, declared that he could not reconcile the killing of a human being, even by the State, with his belief in the sanctity of human life. He said:

Every time we refuse to make a clear-cut decision on this we create fresh difficulties for ourselves. We have got to grasp this nettle and make a clear decision to continue the 1965 Act. What more evidence do we need?

I use those expressions in reply to the member for Torrens, who said that we should not alter the present law. If the House accepts my view that leaving capital punishment in the laws of the State means a devaluing of human life, then I say that the sooner we get it off the Statute Book the better. It is not good enough to leave it there and not use it. It would then be recognized as a principle of punishment. What we will achieve by abolishing it in law is to make a considered and solemn affirmation by this Parliament in its belief, understanding, and recognition of the intrinsic value of human life. In the debate in Great Britain the Archbishop of Canterbury, describing himself as a moderate abolitionist, said that, while everyone wanted to see violent crime grappled with more effectively, the spectre of a desire to have capital punishment back had an inhibiting effect on the progress of more scientific penology. Sometimes the risk of going ahead of public opinion had to be taken for the sake of reform.

Viscount Eccles, a Conservative peer, said that he had come to realize that there was in everyone a divine spark which it was utterly wrong to extinguish by an act of judicial retribution. However, they were being asked to hurry their decision, and the question was what the public reaction would be. "In my judgment," he went on, "we shall be handing to Mr. Sandys and his friends a marvellous bonus with which to cap their arguments between now and the election and, of course, during the election. I do not want any political Party to collect votes out of this issue of life and death."

Mr. Millhouse: Are you going to quote anyone who was against abolition?

The Hon. L. J. KING: The honourable member may look through the debate, but I do not know whether there were any. I used these quotes to point out to the member for Glenelg that, far from abolition in the United Kingdom being a sort of misguided Socialist plot to allow the lower classes to get on top of their betters, the real situation was that many enlightened members of the Conservative Party in the United Kingdom, to their great credit, spoke and voted strongly in favour of abolition. The member for Glenelg said that the abolition of capital punishment was in the

platform of the Socialist Party. Indeed it is, and has been for many years. One of the great contributions that the Labor movement has made to society in this country has been the gradual humanizing and civilizing influence it has had, and the gradual impression it has made on public opinion to recognize the value of every human life, whether it belonged to a member of the upper or lower class or a higher order of society or a lower order. One of its effects has been the gradual conversion of public opinion to an understanding of the fact that it is unnecessary—

The ACTING DEPUTY SPEAKER (Mr. Ryan): One minute to go.

The Hon. L. J. KING: —to take human life for this purpose.

The House divided on the second reading:

Ayes (30)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Eastick, Evans, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Nankivell, Payne, Ryan, Simmons, Slater, Tonkin, Virgo, Wardle, and Wells.

Noes (12)—Messrs. Brookman, Carnie, Coumbe, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, Millhouse, and Rodda, Mrs. Steele, and Mr. Venning.

Pair—Aye—Mr. Lawn. No—Mr. Allen.

Majority of 18 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1—"Short title and arrangement."

Dr. TONKIN: I move:

That consideration of clause 1 be postponed until after consideration of clause 2.

The amendment that I intend to move to clause 1 is consequential on the major amendment that I intend to move to clause 2.

Motion carried.

Clause 2—"Abolition of capital and corporal punishment."

Dr. TONKIN: I move:

After "Act" to insert "except in the case of capital murder, as defined in section 11a of the Criminal Law Consolidation Act, 1935-1970".

I believe that members of the Police Force and of our prison staffs require protection, and I think that they are at present extremely uneasy, not knowing what will be the effect of removing from our legislation the provisions relating to capital punishment. This may even affect the recruitment of police and prison officers. Under the amendment, the case of the person concerned will inevitably be con-

sidered by Executive Council, which can take over the role of reviewing the charge and sentence relating to capital murder. Although I believe that no-one knows whether or not the provision has a deterrent effect, if it does have such an effect the officers concerned should receive the benefit of any protection that may be effected in this regard.

The Hon. L. J. KING (Attorney-General): I oppose the amendment, for I think that it involves several difficulties, which we have already discussed, as well as several fallacies. In the first place, we are still faced with the irreversible nature of capital punishment. In addition, the amendment, once again, assumes without the slightest evidence that capital punishment acts as a deterrent. During my second reading explanation I pointed out (and no-one challenged the fact) that, comparing the statistics in places where capital punishment has been abolished with the statistics in places where capital punishment has been retained, there is not the slightest indication that the abolition of capital punishment has led to any increase either in the number of murders generally or in the number of murders of any particular type, including the type referred to in the amendment. It all assumes that there is a deterrent.

Dr. Tonkin: But you haven't any proof the other way.

The Hon. L. J. KING: Of course I have not. If there is no balance either way, surely the presumption must be in favour of life. Surely, it is not good enough to say that we will inflict death as a punishment because it might conceivably act as a deterrent in a certain case. This is the most serious act that the State can take, probably other than waging war which involves death on a wider scale, and surely it requires clear evidence that it will provide some protection to the people with whom the honourable member is concerned, as I am concerned, before we allow capital punishment in such cases. Of course, this amendment involves a whole series of other difficulties that were canvassed during the second reading debate. In this connection, the English Act provided the following:

Sections 5 and 6 constituted as "capital murders":

- (a) any done in the course or furtherance of theft.
- (b) any done by shooting or by causing an explosion.
- (c) any done in the course or for the purpose of resisting or avoiding or preventing a lawful arrest, or of effecting or assisting an escape or rescue from legal custody.

- (d) any murder of a police officer acting in the execution of his duty or of a person assisting a police officer so acting.
- (e) any murder by a prisoner of a prison officer acting in the execution of his duty or of a person assisting him.
- (f) any second murder by the same person if done "on a different occasion" in Great Britain.

Regarding the effect of this, in his book Mr. Barry Jones points out the following:

- (1) If a man killed his wife with the nearest weapon to hand, it was capital murder if the weapon was a gun but non-capital murder if it was a hatchet.
- (2) If a man raped a girl, strangled her and took her handbag, it was capital murder, but if he did not take the handbag it was non-capital.
- (3) If a woman had left a man money in her will and, with premeditation, he poisoned her for the money, this was non-capital murder.

Commenting on this Act the Lord Chief Justice of England (Lord Parker of Waddington) in 1965, after it had had eight years' (and not 11 years as he states) trial, stated:

Looking back to 11 years ago, if anybody had suggested that I should come out as a full-blooded abolitionist I should have been surprised. But during that time, and particularly during the last seven years when I have held my office, I have seen the complete absurdities that have been produced, and have become completely disgusted at the results. I suppose poisoning is the most cold-blooded and deliberate of murders, yet you do not hang. You can poison your wife for months or years, and the most you can get is life imprisonment, unless you marry again and do it a second time. The taking of a note or a coin may make the difference between capital and non-capital murder.

Lord Parker became an abolitionist and supported the abolition of capital punishment in 1965. The first category of the member for Bragg is the murder of a member of the Police Force acting in execution of his duties or a person assisting a member of the Police Force in so doing. The question of life or death here will resolve itself into whether a police officer at the particular time was acting in the execution of his duty. There could be a most atrocious murder of a police officer but if he was off duty at the time there would be no capital murder. If a criminal were acting out of sheer vengeance because a police officer had arrested him before and if he waited on that police officer at his house, broke in and tortured the policeman before murdering him in the most atrocious circumstances, that would be a non-capital murder. However, should a

person be trying to effect an escape and in the heat of some contest strike a policeman with an instrument, killing the police officer, that would be capital murder.

The honourable member's second category is the murder of a prison officer acting in the course of his duty or a person assisting a prison officer in so doing, and similar circumstances apply here. If some sort of fracas occurred in a prison yard and a prisoner picked up an instrument, hitting the prison officer and killing him, that would be a capital murder. However, if the prisoner had been released from prison and out of sheer vengeance waited on the prison officer against whom he bore a grudge and killed him while the officer was off duty, that would be non-capital murder. This is the problem faced no matter how one attempts to categorize capital murder. This experiment operated in the United Kingdom for eight years and was abandoned by everyone as a total and absolute failure. It led to a whole series of appeals that often depended on the question whether the murder came within a particular category, and this had no bearing at all on the intrinsic seriousness of the crime involved. No matter how this is dealt with, the final question is that the State is inflicting death as a form of punishment.

I think all members were moved by the member for Mitcham's reference to his responsibility, during his term of office, in making recommendations on this matter to his Cabinet. I do not think that that responsibility should lie on any human being in any circumstances. Simply confining the death penalty to certain types of murder does not solve that problem. I understand the motives underlying the amendment. There is a laudable desire to protect people who, by the nature of their occupation, are exposed to a greater degree of danger than are other people. I think all of us are anxious to give every protection the law can give to police and prison officers and others who, in performing their duties, find themselves exposed to these dangers. However, this is not the way to do it. First, there is no proof at all that capital punishment is a uniquely effective deterrent and would give protection, and secondly, the attempt to categorize murder into degrees of maximum punishment has been a monumental failure where it has been tried at great length.

Mr. EVANS: The effect of the amendment is not automatic. If a person is found guilty of murdering a police officer while the officer is carrying out his duties that person is not automatically hanged; it is only as a last

resort that the Executive would exercise this right. The Attorney-General suggested that there was still an area of doubt in many cases. Experience has shown that State Governments have not hanged people willy nilly. They have accepted the responsible position that they hold, and only in extreme cases has capital punishment been inflicted. I voted for the second reading because I believed the amendments would provide a deterrent. If the crime of a person who murdered a police officer or warden as he escaped from gaol was serious enough for him to be executed, he should be executed. I agree that this is one of the most serious laws the State administers, but murder is the most serious crime one individual can inflict on another.

[Midnight]

I have to admit I have a callous attitude to this matter and I do not regret that. There are areas in which circumstances are serious enough to warrant capital punishment. I do not consider that this move is worth while and I hope that it never has to be put into operation.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I have not entered the debate earlier, but members who have been here for a long time have heard me speak on the matter. The Bill has been in the hands of a Minister who knows the subject thoroughly, and I hold the same feelings and opinions on this matter as he holds. The member for Fisher has said that a sentence of death is not effective, because the decision is in the hands of the Executive and the Executive has a discretion. That is not true. I suggest that the honourable member look at the history of cases in this area. In one case, involving a namesake of his, it was obvious that the Executive thought it had the clearest evidence upon which to refuse an appeal to its discretion, but later that belief proved to be wrong.

In the Christie case in England, Mr. Chuter Ede, the then Home Secretary, after exhaustive examination of the evidence, concluded that there was no room for doubt that the law must take its course, and Evans was hanged. Later, in the House of Commons, Mr. Chuter Ede said, in tears, that it was then evident that he had made a wrong decision, but there was no way of righting what had happened then. No human instrumentality is so infallible in its examination of the evidence available to it that a man's life ought to hang upon those decisions, and the suggestion that the Executive can exercise a discretion and that, in any case

where there is doubt, a man would not be hanged, does not bear examination.

The honourable member also said that we must give special protection to police officers and prison officers. This matter was considered by the Royal Commission in England and it has been the subject of a whole series of monographs since then. In no case in any country examined where capital punishment has been abolished have the results to prison and police officers occurred that are feared by the honourable member. There has not been any discernible change in the incidence of crimes of this nature in respect of those persons, following the abolition of capital punishment. There is no justification for writing into our law something that proved to be completely unworkable in England. The position in England converted many judges from outspoken supporters of capital punishment to abolitionists. The advice of all senior lawyers was that capital punishment should not proceed. I hope honourable members opposite will not urge on this Committee something as ineffective and improper as this course. There is no case in South Australia for South Australia's retaining capital punishment in any form and I hope the Committee overwhelmingly takes that view.

Mr. McRAE: I wish to refer specifically to the attitude of English judges about the situation that arose after a provision similar to the one proposed by the member for Bragg had been inserted in the Homicide Act. The last paragraph of the quotation from the statement by Lord Chief Justice Parker in the House of Lords in 1965 to which the member for Bragg has referred states:

Judges as a body are supposed to be very reactionary. I do not think that is true today. They sit in court, they see where the shoe pinches, they see where justice does not appear to be done, and when it is not done and I think I can say all the judges are quite disgusted with the results produced by the Homicide Act.

That is a strong statement, coming from a gentleman as conservative as Lord Chief Justice Parker. In the debate in the House of Lords on December 18, 1969, Lord Gardiner, the Lord Chancellor, dealt with a proposal that, rather than repeal the Homicide Act at that stage, the Act should be retained for a further trial period. He said:

To bring back capital punishment would seem an odd course in view of its virtual abolition in all Western Christian democracies and the extent to which it was carried out in those countries where it still existed. "I do not think," Lord Gardiner concluded, "that the

practice of putting men and women to death in cold blood, telling them a fortnight before that you are going to do so, is right."

Lord Morris, a member of both the legislative body and the judicial body of the House of Lords, said that, while he did not take the view that it was never right for the State to take a life, he believed that the death penalty should be retained only if it was shown to be necessary to save the lives of potential victims. The conclusion he had reached was that capital punishment had not been shown to be so exceptionally potent a deterrent that it was essential to keep it. One other comment was made in the House of Commons by Mr. Ross, the Secretary of State for Scotland, who said that, while admitting that the figures for Scotland showed a higher proportion of murders known to the police than in England and Wales, all the analyses had reinforced the fact that many of these could not and would not have been influenced by the existence of capital punishment. My point is that the judges in Britain who are in a position to know the practical effect of a proposition such as the honourable members, were, led by the Lord Chancellor and the Lord Chief Justice, unanimous in utterly condemning it. Therefore, I oppose the amendment.

Dr. TONKIN: I am reassured by the Premier's remarks, if indeed he is right—and I have no reason to suppose he is not. If there has been no increase in the murder rate, I am sure that the members of the Police Force and of the prison service will be reassured by his reassurance. If my amendments have done nothing more than highlight this matter, I am pleased that I put them on file. The strong feelings of the prison and police officers cannot be entirely ignored. These people deserve, if not protection in this way (if we accept what the Attorney-General says: that this will not provide protection), reassuring. They should be reassured by leaving this part of the legislation on the Statute Book. If, after a time, there has been no increase in this form of crime, they will be reassured in fact.

The Committee divided on the amendment:

Ayes (19)—Messrs. Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin (teller), Venning, and Wardle.

Noes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark,

Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Pair—Aye—Mr. Allen. No—Mr. Lawn.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Clause 1 and clauses 3 to 5 passed.

Clause 6—"Arrangement of Act."

Dr. TONKIN: I do not intend to persist with the amendments I have on file.

Clause passed.

Remaining clauses (7 to 41) and title passed.

Bill reported without amendment. Committee's report adopted.

Mr. GUNN (Eyre): I wish to inform the House that I was present in the Chamber during the division on the second reading of this Bill but that my name was not recorded on the division list. I wish to indicate that I voted for the Noes, and I ask that the record be amended accordingly.

The SPEAKER: If it is the wish of the House, I direct that the records of the House be corrected accordingly.

The Hon. L. J. KING (Attorney-General) moved:

That this Bill be now read a third time.

Mr. EVANS (Fisher): From the outset, I have said that this is a difficult matter for any individual to decide; it was certainly difficult in my case, anyway. Capital punishment has been on the Statute Book in this State for many years. I do not believe that more capital crimes have been committed in this State than in places where this punishment does not exist. Although I do not advance that as an argument for retaining capital punishment, I point out that the fact that capital punishment has existed in this State may be the reason why we have not witnessed more of the vicious types of murder committed in other parts of the world where there is no capital punishment. I believe that one should take the opportunity here to state the exact position before the Bill actually leaves the Chamber.

As I have said, I dislike capital punishment because it is irreversible; the human element is involved and errors can be made. If a division is called on the third reading, I shall vote in support of the Bill, because I believe it is better to adopt the argument that the crime of murder will not increase simply because capital punishment is abolished

than to take the chance of an error being made and a life being taken when it should never have been taken. I do not altogether accept the Attorney-General's argument that the court cannot impose the penalty of imprisonment for the rest of a person's natural life, even if it is found subsequently that that person behaves well under imprisonment and becomes what one might consider to be a reasonable citizen. Murder in its worst aspect is the most serious crime, and we should provide when we imprison someone for the term of his natural life that we mean just that, and allow no remission whatever for good behaviour. In other cases of murder where emotion is involved there could be remission for good behaviour. With those thoughts, I support the Bill.

Dr. TONKIN (Bragg): I am disappointed that the amendments have been lost. I was also disappointed that the Attorney-General broke what was probably his own rule early in the debate and introduced Party politics in his summing up. He left the unfortunate implication that, this being Labor Party policy and a part of that Party's platform, anyone who supported his point of view also supported the Labor Party platform. I assure him that that is far from the case. I do not know whether capital punishment is a deterrent; nor does the Attorney or any other member of the Government. I sincerely hope that the Government is right in this connection. It faces a heavy responsibility if it is wrong, but I realize that it is prepared to take that responsibility. Most members will have read the summary of proceedings of the debate in the House of Commons and the House of Lords nearly 12 months ago, and I repeat the following statement of the Bishop of Durham, which I think the Attorney has read:

One person hanged in error seemed too high a price to pay when that price was measured in terms of human life and the human error involved was irrevocable.

I think that sums up my view of the matter.

Bill read a third time and passed.

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

GROUP LAUNDRY

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of

evidence, on Expansion of Group Laundry and Central Linen Service, Dudley Park.

Ordered that report be printed.

CIVIL AVIATION (CARRIERS' LIABILITY) ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Civil Aviation (Carriers' Liability) Act, 1962. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It amends the Civil Aviation (Carriers' Liability) Act, 1962. The principal Act is referential legislation by which the provisions of the Commonwealth Act of the same name are applied to aviation within the State. The State Act thus complements the Commonwealth Act by dealing with matters that lie outside the sphere of Commonwealth competence. The right to recover damages arising from travel on international flights is primarily regulated by the Warsaw Convention, made in 1929, and the Hague Protocol to that Convention, made in 1955. Australia is one of many countries participating in these international agreements, which are given force of law in Australia by the Commonwealth Act. Moreover, Part IV of the Commonwealth Act applies similar conditions to interstate flights. The State Act complements the Commonwealth Act by providing that the Commonwealth provisions shall by force of South Australian law apply to intrastate flights.

The Commonwealth Parliament has recently amended the Commonwealth Act by increasing the limit of liability that a carrier is liable to undertake and extending the provisions of that Act to carriers who operate under charter licences. The bulk of the Commonwealth amending legislation will take effect under the South Australian Act without further amendment, because the South Australian Act, in its present form, anticipates amendments to the Commonwealth Act, and applies them referentially to intrastate flights. It is, however, necessary for an amendment to be made to the South Australian Act to permit the application of the Commonwealth legislation to charter flights. An amendment is also made to extend the referential legislation to "joy rides", that is, flights that end at the point from which they commenced.

The provisions of the Bill are as follows: clause 1 is formal. Clause 2 makes a drafting amendment to the principal Act. Clause 3 amends section 5 of the principal Act, which deals with the application of the principal Act,

and provides that the Act applies to the carriage of a passenger in an aircraft operated by the holder of an airline licence under a contract for the carriage of the passenger between a place in South Australia and another place in South Australia, not being carriage to which the Commonwealth Act applies or to which the Warsaw Convention or the Hague Protocol applies. This section is extended to apply to the carriage of a passenger by the holder of a charter licence. The amendment also provides that the Act applies to the carriage of a passenger to or from any place in South Australia which is not governed by either the Commonwealth Act or the International Con-

ventions. The amendment to this section in this respect will enable the Commonwealth Act to apply referentially to air trips commencing and terminating at the same point.

Mr. COUMBE secured the adjournment of the debate.

ADJOURNMENT

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That the House at its rising do adjourn until Friday, December 4, at 3 p.m.

Motion carried.

At 12.35 a.m. the House adjourned until Friday, December 4, at 3 p.m.