

HOUSE OF ASSEMBLY

QUESTIONS

Thursday, November 4, 1976

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

The SPEAKER: I direct that the following written answer to a question be distributed and printed in *Hansard*.

MARINE ACT AMENDMENT BILL

His Excellency the Governor's Deputy, by message, intimated his assent to the Bill.

LAND OWNERSHIP

In reply to Mr. WARDLE (October 14).

The Hon. HUGH HUDSON: The following is a schedule of purchases by the South Australian Housing Trust since 1966 of land in Murray Bridge and nearby:

SOUTH AUSTRALIAN HOUSING TRUST—LAND PURCHASES AT MURRAY BRIDGE—1966-76

Date	Reference	Location	Number of Lots	Area	Price
2/5/66	4942	Part section 75, various allotments	19	—	\$540 each
7/6/66	4946	Part section 75, various allotments	26	—	\$540 each
21/8/67	5063	Part section 75, off Swanport Road	—	12.646ha	\$987 per ha
				31a 1r	\$12 625 (\$400 per acre)
2/12/69	5444	Lot 13, Leslie Street and Long Island Road ...	1	—	\$1 650
26/3/70	5495	Lot 38, Homburg Drive	1	—	\$700
1/4/70	5499	Lot 3, Potter Avenue	1	—	\$900
11/6/70	5537	Lot 7, Leslie Street	1	—	\$1 100
21/12/70	5586	{ Lots 42, 43 Homburg Drive	4	—	\$2 800 (\$700 per lot)
		{ Lots 44, 45 Francis Street			
11/2/71	5597	Part sections 71 and 75	—	38.943ha	\$1 173 per ha
				96a 37p	\$45 709 (\$475 per acre)
24/5/71	5625	{ Lot 35, Mulgundawah Road	2	—	\$1 300
		{ Lot 40, Rossiter Terrace			
5/6/73	5778	Sections 23 and 70	—	40.739ha	\$151 003 (\$3 704 per ha)
				100a 2r 27p	(\$1 500 per acre)
19/10/73	5905	Part section 50, Hindmarsh Road	—	14.164ha	\$52 515 (\$3 704 per ha)
				35 acres	(\$1 500 per acre)
13/8/74	6117	Section 384, Thomas Street (for industrial use)	—	2.833ha	\$10 500 (\$3 704 per ha)
				7 acres	(\$1 500 per acre)
20/11/74	6167	Section 382, 385 Maurice Road (for industrial use)	—	5.977ha	\$22 155 (\$3 704 per ha)
				14.77 acres	(\$1 500 per acre)

ADELAIDE RAILWAY STATION SITE

Dr. TONKIN: Can the Premier say what plans are contemplated to develop the Adelaide railway station site and, specifically, what are the prospects for the establishment of an international-class hotel in that area? It is generally accepted that, for Adelaide to become a major convention centre and thus boost its share of visitors and tourists coming to Australia, three specific factors are essential. They are an international airport; a convention centre with full facilities; and an international-class hotel. It has become increasingly obvious in recent months that Adelaide is suffering from the lack of an international-class hotel. The need for such a hotel is made even more obvious when the value of conventions to South Australia is examined. I understand that last year their value was \$6 000 000: in 1971-72 it was only \$1 000 000.

South Australia's share of the convention market increased from 7 per cent in 1971-72, to 17 per cent this past financial year. Conventions held and the delegate attendance in Adelaide increased by 18 per cent, and visitor days increased by 25 per cent. Obviously this is an important part of South Australia's revenue, and this record can even be improved. The Premier has been a strong advocate of the vacant area in Victoria Square as the site for an international-class hotel, but informed opinions have indicated to me that this site is too small for a viable project of this standard. Plans have been prepared for the redevelopment of the Adelaide railway station site, and these include provision for an international hotel, which would not be limited by floor area to the same extent as in Victoria

Square. Has the Premier promoted this site equally as well as the Victoria Square site, and what proposals, if any, have been received?

The Hon. D. A. DUNSTAN: At this stage there is no indication of any firm interest in the redevelopment of the Adelaide railway station yard site. However, I am pleased to hear of the Leader's support for the need, which has been pushed by the Government for some time, to develop international-class hotel facilities in Adelaide to increase employment in the tourist industry and to take full advantage of the convention trade, and also his support for the fact that the convention trade has already expanded in Adelaide, because the Government has given direct financial support to the convention bureau in order to achieve this. We believe that much more can be done.

Mr. Mathwin: With a hotel in Victoria Square?

The Hon. D. A. DUNSTAN: The hotel in Victoria Square project is now at a stage at which considerable interest is being shown.

Mr. Goldsworthy: Will you announce it before the next election?

The Hon. D. A. DUNSTAN: The Deputy Leader always tries to turn something into a political question and one of Party politics. His Leader was showing an interest in the need, for the benefit of South Australia, to develop an international hotel site, and the minute I say that in fact it looks rather promising that we may get an international hotel the Deputy Leader says immediately, "You are going to announce it before the next election." The investigatory team to commence the feasibility study for

the Hong Kong hotel development group, which left Adelaide only yesterday, expressed great interest in and considerable optimism about developing the Victoria Square site, and we are proceeding with that matter as rapidly as possible. Any development there will require, I am sure, some input from the State, as would any development of an international-class hotel anywhere in the State. As the Leader rightly said, the benefits could be great indeed to South Australia in the provision of additional stable employment and considerable business turnover, and I hope it will not be long before I can tell the House of even more positive results in this respect.

ABORIGINES

Mr. GOLDSWORTHY: Can the Minister of Community Welfare say what the Government is doing to overcome the problems associated with the abuse of alcohol by Aborigines in this State? A recent report stated that alcohol was causing havoc in the Aboriginal community, particularly in the Northern Territory. The report was commissioned by a House of Representatives standing committee. There is plenty of evidence of major problems associated with alcohol among Aborigines in South Australia, causing hardship to their families and a breakdown in community life. The standing committee is further investigating, I understand, the part that the States can play in coming to terms with this problem. Can the Minister say what is being done to solve this major problem?

The Hon. R. G. PAYNE: This question mainly concerns, under the existing portfolios, the Minister of Health in another place, and some action is being taken, to my knowledge, under that portfolio. In addition, recently there has been what I would regard as a healthy indication of interest in this matter by several Aboriginal groups throughout South Australia. To my knowledge, the community council at Umoona, of which the member for Eyre would be aware, is one group that is actively working in this area. Other groups in the metropolitan area are now getting under way, and an Aboriginal women's group is also tackling the problem. I am really trying to indicate to the honourable member that there is a general awareness of a need for work in this area by everyone concerned, particularly by the Aborigines themselves. About two weeks ago, I saw an officer, whose work is, I think, presently funded by the Federal Government, who is an Aboriginal, and who is working in the Health Department directly on this matter. He liaises with groups such as the Umoona group, also visits schools attended by Aboriginal children, and also tries to conduct an educational programme on alcohol and drug addiction generally.

Mr. Gunn: Mr. Viner opened an alcoholics rehabilitation centre at Coober Pedy the other day.

The Hon. R. G. PAYNE: I saw that Mr. Viner had done that. Possibly, I would have made some attempt to attend had I been asked, but I did not receive an invitation from Mr. Viner. I can only assume that it was an oversight on someone's part in an office somewhere. Such vestiges of Aboriginal affairs as do remain in the State's hands are vested in my portfolio, and I was somewhat disappointed.

Mr. Gunn: The members for the district attended.

The Hon. R. G. PAYNE: That makes me definitely reconsider that it was an oversight: it looks as though it may have been by choice rather than by oversight, and I thank the honourable member for pointing that out.

I suggest that that is a short-sighted policy on the part of any Government, because we are all members of the same State and, indeed, country. We must always work together, irrespective of our political views, and it was certainly short-sighted to have acted in that way. The honourable member's question is important, as he indicated, and I think that the best I can do for him now is try to obtain a more detailed report and bring it down for him.

JUVENILE CRIME

Mr. WHITTEN: Has the Premier noticed the report in the *Advertiser* this morning concerning what may be known as the so-called new policy of the Liberal Party on juvenile crime? It appears that the incorrect report that appeared in the *Advertiser* yesterday from the Police Department has prompted the Opposition to formulate the so-called new policy. Can the Premier say in what way this is new and how it affects the policy of the Government?

The Hon. D. A. DUNSTAN: What was obvious from the statement yesterday was that it was prepared in haste, apparently to take advantage of an incorrect report in yesterday morning's *Advertiser*. I have had an examination made of the points which appeared. Regarding the points of the Liberal Party policy, six short-term proposals were suggested by the Leader of the Opposition. Four are already operating, so this policy not only evidences a great deal of haste to take advantage of grabbing a newspaper headline but also reveals a lack of knowledge on the part of the Liberal Party as to what is going on. The Leader said that the Police Force should be strengthened and maintained at an adequate level. We already have the best Police Force in Australia, and the ratio of police—

Mr. Gunn: No thanks to you.

The Hon. D. A. DUNSTAN: This Government has now been in office for six years and during that period the Leader is unable to point to a single case of a request for staffing from the Police Department that has been refused. The Police Department is satisfied that all its submissions for extra manpower have been granted, and in fact next year the active strength of the Police Force will be increased by more than 100 officers.

Dr. Tonkin: We must have got under your skin.

The Hon. D. A. DUNSTAN: On the contrary, I am just correcting the Leader, and it is the corrections that are getting under his skin. Not only have we built up the force but we have also given it better facilities and equipment. The services have been decentralised to country areas, and many new police stations have been built. Communication facilities have been greatly improved and in areas such as 'Tarta' telephone radio links for patrol cars South Australia is leading the country. The Government has already greatly increased funding to voluntary counselling and support organisations. In the last financial year \$600 000 was given to voluntary organisations in the community welfare area, of which \$60 000 went directly to youth organisations. This financial year \$640 000 has been allocated, and \$80 000 marked for youth organisations.

The Community Welfare Department is constantly seeking to improve the quality of its assessment facilities to help officers manage young offenders. It holds regular training courses and is always seeking to improve the qualifications of its staff. In fact yesterday the senior officers of McNally Training Centre were obliged to correct the Leader about the

things he had said about what was going on in McNally Training Centre, which he obviously did not know anything about. The Government has already established weekend detention centres. Apparently the Leader does not know this is happening; it is already here. This was done four years ago in 1972, and it was established and an integral part of the training and rehabilitation programme for offenders sent to the centre by the court. It is taking part in special projects to benefit the community. Since 1972 two new centres have been set up for boys and girls between eight and 15 years of age who have social and behavioural problems in school settings. Under the heading "Long-term projects" there was the suggestion that the Liberal Party would improve facilities in primary schools. We have improved facilities in primary schools to a very large degree. Successive Liberal Governments had let education spending decline and our primary schools, before this Government took office, were anything but of a praiseworthy nature. We have changed that situation to the point where South Australia now leads the States. No other State in Australia can claim the same education facilities in the primary area as this State can. In the next five years, 28 new primary schools will be built, 11 will be replaced or converted, and another 13 will receive major upgrading work. The Government has consistently increased both teaching and support staff for all education facilities in South Australia, and South Australia is in a favourable position compared with all other States. In fact, we have the highest resource use per pupil. The Government already provides specialised teachers in music, art and other fields for 107 primary schools on both part-time and full-time employment. Specialised music teachers teach selected children in 84 schools. Part-time and full-time specialised teachers are employed to teach English as a second language to migrant children in 147 primary schools.

The Education Department already provides 58 guidance officers and 111 counsellors. The crisis care service and the community care service provide special counselling and services for children and families in potential crisis situations. Apparently the Leader does not know that anything of this kind is happening.

Regarding the heading "Other policy measures", I point out that the Government has already increased its support for the establishment of youth groups, and the Education Department encouraged the use of school facilities after school hours for these activities. There is wide-spread use of school ovals and activity facilities in metropolitan and country areas and out-of-school programmes have been financed by the Childhood Services Council at seven primary schools. The department has carried out a pilot project at three primary schools in which a staff member was made available to co-ordinate out-of-school activities. This has proved extremely successful. The existing youth organisations are getting increased subsidies and support. The Police Department already has a vigorous policy of telling the community what it is doing and it has already concentrated especially on youth centres and primary schools. Apparently the Leader was not aware of this activity of the Police Force that has been supported and encouraged by the Government. The facilities for general family counselling in South Australia are far superior to those of any other State, and the Government strongly supports the present system of services provided by the Community Welfare Department and voluntary organisations. The amount of money we have made available to voluntary organisations proves clearly our intentions.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The fact that the story in yesterday's newspaper was incorrect apparently did not bother the Leader.

Members interjecting:

The Hon. D. A. DUNSTAN: What happened was that the Leader had a policy hastily drawn up not realising that 13 of the 15 points in the policy are already being carried out as part of our programme in all the departments concerned.

Members interjecting:

The SPEAKER: Order! There are far too many interjections.

Dr. Tonkin: Are we pinching your policies now?

The Hon. D. A. DUNSTAN: It is not a question of your pinching them, because the Leader will never be in a position to carry out any policies. It is welcome for us to see that the Liberal Party has at last turned its attention away from knocking the State and indulging in personality attacks and is trying now to come forward with a policy. We welcome that. We only suggest that next time it finds out what is going on and puts up something really more positive than the hastily drawn up thing that was put forward yesterday.

HOUSING

Mr. BECKER: Can the Minister for Planning say what action the Government is taking through the South Australian Housing Trust to ensure that young people and married couples can purchase a suitable house? A constituent who approached me said that early in 1975 he and his wife went to the trust to inquire about purchasing a house. They were told that the deposit required would be \$2 000. After waiting some months they received a letter from the trust asking them to attend an interview and to have \$3 300 deposit. They attended the interview and were later told to raise another \$500, as the deposit had increased to \$3 800. A few weeks ago they were finally told that they now require \$4 500. The problem my constituents have been faced with is that every time they have been interviewed by the Housing Trust they have been told to raise additional money as a deposit for a house. The situation is such that the husband, who could not afford a car but rides a motor cycle, has had to sell that motor cycle to raise the deposit. All this has taken place since early 1975. My reason for asking this question is to find out whether the Housing Trust and the Government could now formulate a policy that a deposit, once it has been agreed to, irrespective of the time of acquiring the house, could be a fixed deposit, bearing in mind that during times of inflation the value of property does increase. Has the Government considered accepting lower deposits rather than having the problem of people going back to the Housing Trust because they have to increase their deposit?

The Hon. HUGH HUDSON: I would appreciate if the honourable member would provide me with the details of the case to which he has referred so that I can take up the matter and provide him with an answer. I point out that the trust has a certain amount of funds available for second mortgage and can make arrangements with regard to temporary finance. The income level of an applicant may affect his ability to take on a second mortgage or temporary finance arrangements in circumstances in which house prices have been increasing. It may be that the consideration in this case relates to the gap between the basic loan that will ultimately be available,

either through the State Bank or the Savings Bank of South Australia, and what the price of a house is. In the circumstances described it is possible that the young couple are not able to afford an extra mortgage commitment. I do not know, and that is why I would like to find out specific details. If that were the case, about the only way of dealing with the problem of rising costs of housing would be to have an increased deposit, apart from the possibility of putting more money out on mortgage. If that is done the number of loans that can be made available will be reduced, and it will be more difficult for other young couples who wish to buy a house to obtain a loan. The inflationary situation regarding the purchase of houses, or the renting of houses, or anything to do with the building industry, does create serious difficulties of the kind that the honourable member has just described. I am afraid that to some extent the difficulty is a part of the nature of the beast inflation. If more funds are made available to help in cases of difficulty such as the honourable member describes, consequently fewer people can be assisted. Before making any further comment, I repeat that it would be helpful if the honourable member could give me the details, and I will have the matter thoroughly investigated.

LEIGH CREEK ROAD LINK

Mr. KENEALLY: Can the Minister of Transport say whether, in determining the new route for the Port Augusta to Alice Springs highway, he would take into account the tourist potential of a road link between that highway and Leigh Creek via Andamooka and Lake Torrens? I am sure that this question will receive the complete support of the Opposition because of its newfound interest in tourism, as indicated by the Leader of the Opposition in his first question. I bring this matter to the Minister's attention in the hope that serious consideration will be given to the most easterly of the proposed routes. Such a route would not only provide a better access road to Andamooka but would also make more viable a tourist road from Andamooka to Leigh Creek via Lake Torrens, Mulgaria and Myrtle Springs. A tourist package for the area would then include the Flinders Range, Lake Torrens, the opal field at Andamooka (which everyone would agree is a tourist must), and the Woomera Rocket Range. I appreciate that the Minister must discuss the value of this question with his colleague, the Minister of Tourism, Recreation and Sport, but I am sure that such a proposal would have general support.

The Hon. G. T. VIRGO: I shall be pleased to discuss the question not only with the Minister of Tourism, Recreation and Sport but also with the Highways Department and subsequently with the Federal Minister. Members would know that a few weeks ago I tabled in the House, concurrently with its tabling by the Federal Government, a report. A decision regarding the route must be made jointly by the Federal Minister and me. I appreciate the points brought forward by the member for Stuart, and I shall have pleasure in considering them to see whether I can accommodate the good points he has raised.

OAKLANDS OVERPASS

Mr. MATHWIN: Can the Minister of Transport say what is the present situation regarding the building of an overpass at Oaklands Park railway crossing or the upgrading of the level crossing that now exists there? The Minister

will be aware that the dates for the commencement of this project have been many and varied over the years. In fact it was mooted that work would commence in 1974, 1975, 1976 and 1977. The Minister will also be aware that there has been talk in the past about the overpass being built on the landfill solid design basis rather than as a cantilever precast concrete modern design. The Minister would agree that it would be an environmental disaster, as it is at Parkholme, if the landfill method were used. What is the situation in relation to this design and the possible commencement date for this project?

The Hon. G. T. VIRGO: First, let me assure the honourable member that I do not share his melancholy attitude that the overpass at Marion Road is a disaster; to the contrary, it is a tremendous asset to the district. I have noted the honourable member's attempt to grab a headline in the local paper, indicating his criticism of the area and saying that the overpass on Marion Road is a disaster. If the honourable member talked to a few of the people who used the overpass, he would find that the opposite is the case.

Mr. Mathwin: What about the people who have to look at it?

The Hon. G. T. VIRGO: Those people reside in my district and the district of the member for Mitchell. If the honourable member would care to campaign in those two districts he would find that there was very little support for him and less for the Liberal Party. The provision of an overpass at Morphett Road has been, as the honourable member has indicated, a problem for some time. It was programmed to proceed had funds been made available. The honourable member still seems to be in the land of nod and does not acknowledge that the Federal Government is making less funds available to South Australia than it has ever had, the net result being that South Australia has had to defer projects that would otherwise have proceeded. I do not know what level of funds will be made available following the expiration of the present legislation in July of next year. Transport Ministers are to meet the Federal Minister on December 3 for a special meeting of the Australian Transport Advisory Council for the purpose of discussing the various factors associated with the new legislation. I will be pressing that the Federal Government should not intervene in relation to funds and that there should be no requirement for the States to run cap-in-hand to Peter Nixon asking, "Please can we fill this pothole; please can we repair that road?" Despite what the alleged federalism policy of the present Federal Government purports to do, in fact this does not happen in practice. There is no better evidence of this than in the case of the present legislation before Parliament relating to funds for local government, whereby the Federal Minister and the Prime Minister wish to control the operation of the State Grants Commission, with the State paying for its operation. If it is possible to provide the honourable member with another possible date for the commencement of the overpass I shall be pleased to do so, but I expect that the Highways Commissioner will tell me when I refer the matter to him that, until we know what funds are available under the new roads legislation (indeed if we are going to get any at all), it is impossible to make a forecast.

Members interjecting:

The SPEAKER: The honourable Premier.

Members interjecting:

The SPEAKER: Order! I have called the honourable Premier. I request that all honourable members give him the attention that is due to him.

Members interjecting:

The SPEAKER: Order! I will take action against the honourable member for Davenport if he continues to interject. I assure all honourable members that when I call on any honourable member I expect that every other honourable member of the House will pay him due attention. The honourable Premier.

The Hon. D. A. DUNSTAN: I give notice that on Tuesday, November 9, I will move that I have leave to introduce a Bill for an Act to amend the Succession Duties Act.

MONARTO

Mr. WARDLE: Can the Minister for Planning say how much of the funds that have been allotted to Monarto this financial year will be spent on (a) the purchase of land, (b) on the employment of staff in the commission and on the site, and (c) in the erection of buildings, structures or roads on the site?

The Hon. HUGH HUDSON: I will get the information for the honourable member.

TUBERCULOSIS

Mr. SLATER: Will the Minister of Community Welfare ask the Minister of Health whether he can say whether the State Government intends to continue with its anti-tuberculosis X-ray programme in view of the decision of the Federal Government to curtail financial assistance for the programme from December, 1976? I understand that Tasmania and Western Australia have indicated that they will not continue with their X-ray programmes. Although instances of the disease are not as prevalent as they have been in previous years (I understand that figures available in 1974 show that there were 146 deaths directly attributable to the disease), the X-ray programme has played a significant part in the prevention and early detection of the disease. I hope that the State Government will continue with its programme, despite the Federal Government's attitude.

The Hon. R. G. PAYNE: The question is more in the province of my colleague in another place, so I will certainly bring it to his attention. This is apparently another example of the new federalism policy about which we were just told by the Minister of Transport. It seems that cuts occur not only in the area of roads but now also in cases where people's health is concerned. I will do my best to bring down a report as soon as possible.

SAMCOR

Mr. DEAN BROWN: Will the Minister of Works, representing the Minister of Agriculture, ascertain what action the Government will take to ensure an improvement in the industrial relations between workers and the board and management at Samcor? Recently, there has been a series of strikes and industrial disputes at Samcor, and the disruptions last week caused market prices for cattle and sheep to drop dramatically. What few people know is that early last week a meeting representing 1 600 workers of Samcor moved a vote of no confidence in the board and management. The meeting of workers was told that the Government would be informed of the resolution and asked to take appropriate action. A deputation of workers was to

see the Chairman of the Public Service Board, who is also on the Samcor board. One worker has told me that morale is very low amongst all workers at Samcor. This is a very important claim, because Samcor is the Premier's model for worker participation. It is essential for many reasons that the Government should improve industrial relations that now exist at Samcor.

The Hon. J. D. CORCORAN: I will convey the points made by the honourable member to my colleague and ask him for a considered reply for the honourable member.

ROAD SAFETY

Mr. ABBOTT: Is the Minister of Transport aware of the criticism by Mr. Steward McLeod, a leading rally driver, that appeared in today's *Advertiser* that the public is immune to the road toll and, if he is, has he had time to examine this report? Mr. McLeod said, "A recent call by politicians to legislate for control of hang gliders was an example of over-reaction in view of political apathy towards road safety." He said that the number of people killed using hang gliders was only .01 per cent of Australia's road deaths and that more than 3 500 people are killed annually on our roads and nothing constructive is done about it. I would appreciate the Minister's advice on all measures taken in connection with road safety in South Australia, so that the public can be informed of what is being done in this matter.

The Hon. G. T. VIRGO: This morning I asked my officers to examine this report, because when I read it in the newspaper I was rather disappointed that Mr. McLeod used the terms that he used, when he said:

I believe that if politicians did more than pay lip service to road safety the accident rate could be held down and could eventually, with the proper steps taken, decrease.

Mr. McLeod then outlined the action that he considered should be taken. I think that those members who have read this report would realise that most of the things that Mr. McLeod suggests should be undertaken by people he claims were simply paying lip service have already been done in South Australia. The notable exception is perhaps compulsory annual vehicle roadworthiness checks. If Mr. McLeod had sought information before he decided to grab headlines, he would have found that the Road Traffic Board has already completed a comprehensive report on this matter, and that the report has been referred to the Road Safety Committee, preparatory to providing a report together with recommendations for me that will be taken before Cabinet, which will then decide what action to take. On another point made by Mr. McLeod about a "Completely redesigned licence examination", I am not sure what the redesign of the licence examination will do, because we find from statistics collected by the Road Traffic Board, the Road Safety Council and the Police Department that it is not lack of knowledge or the type of examination form used that is responsible for accidents but rather the lack of complying with the law especially concerning speed, liquor, and drugs. On the point regarding the "Development of a major driver-training centre", I thought that everyone in South Australia would know that we have the most advanced driver-training centre in Australia at the Road Safety Instruction Centre at Oaklands Road, and we should be proud of it, as should Mr. McLeod. On another of his points, "The introduction of P plate system for new drivers", I reported to the House on that issue about two years ago after I

had asked a committee to consider the matter urgently. The report indicated that the committee had obtained no evidence to indicate it had any value and, indeed, that some States were considering removing it from the legislation. His next point, "Legislation to require a medical examination before a learner's permit is granted", I need not comment on, except to say that I am not sure what more good that would do than the requirement that an applicant must make a declaration. His next point, "Use of all petrol tax towards the expanded scheme, plus upgrading of roads", I suppose many of us would support. Another of his points, "Prohibition of untrained people from teaching learners", has been operating here for some time, because the practice is illegal. His next point, "Review and updating penalties for traffic offences", refers to something that Mr. McLeod would have heard if he had been here today, when I gave notice of a Bill to be introduced on Tuesday next to do precisely that: I also gave publicity to that matter some time ago. Mr. McLeod's next point, "A continuing campaign for public awareness of the rules and regulations", can be answered by saying that the Road Safety Council is engaged in these activities as a continuing operation. I am sorry that Mr. McLeod made his statement in the way he did: he was not complimentary to the Road Safety Council and the devoted and loyal staff for the duties they are performing.

ELECTORAL BOUNDARIES

Mr. EVANS: Because of statements made by the Premier in the House yesterday, can the Leader of the Opposition say what is the position of the Liberal Party in relation to the recent appeal before the Supreme Court on the electoral boundaries legislation?

Mr. Millhouse: I think this must be a Dorothy Dixier!

The Hon. G. T. Virgo: Their consciences must be worrying them.

The SPEAKER: Order!

Mr. EVANS: Yesterday, the Premier in reply to a question from the Government benches made the clear implication that the Liberal Party has been responsible for the action that has been taking place in the Supreme Court concerning the electoral boundaries legislation. He made further comments about the individual taking the action, and implied that that person was acting on behalf of the Liberal Party. Because of the serious implications in such statements, will the Leader clarify the position?

Dr. TONKIN: I am grateful to my colleague for asking the question. It was stimulated because there is no other way of bringing this matter before the House. The allegations made by the Premier yesterday were most serious indeed, as all lawyers would know, and in my opinion it is a disgraceful situation that he was willing to make them in order to make cheap political capital. I state categorically that the plaintiff in the action (Mr. Gilbertson) is not in any way acting on behalf of, at the request of, or by arrangement with, the Liberal Party, and he is certainly not receiving any financial support from the Liberal Party.

Members interjecting:

The SPEAKER: Order!

Dr. TONKIN: The Premier was totally and absolutely wrong in this matter. The Premier was also totally wrong in another of his allegations, that Mr. Gilbertson's wife had stood as a candidate in a Liberal Party pre-selection ballot.

That shows exactly what the Premier's comments are worth: she has never stood as a candidate in a pre-selection ballot.

Members interjecting:

The SPEAKER: Order!

Dr. TONKIN: The Premier is willing to twist the truth in any way to make cheap political capital. He is just as wrong in his frequent statements about the Liberal Party's attitude to the legislation. He has frequently said that the Liberal Party supported the legislation. The facts are that the Liberal Party tried to improve the legislation by providing that the Party gaining the majority of votes should gain Government. However, this fair proposition was rejected by the Premier. The Liberal Party then went on and did not oppose the passage of the Bill, even though it did not consider that it went as far as it should go toward a fair and just electoral system. I repeat and state categorically that the Premier was wrong in everything he said then and in everything else he has said regarding the Liberal Party's attitude toward redistribution. He has obviously done nothing more than try to make cheap political capital for the Government: that is not a responsible attitude but, unfortunately, it is an attitude that we have come to expect from the Premier and this Government.

Mr. LANGLEY: From the knowledge of the honourable member for Mitcham of the Liberal Party and its finances, is he able to throw any light on how appeals by Mr. Gilbertson could be financed—

The SPEAKER: Order! I am afraid that question cannot be allowed. I do not think the honourable member for Mitcham can answer on behalf of the Liberal Party.

Mr. Millhouse: I would be happy to do so, Mr. Speaker.

The SPEAKER: Order! The honourable member for Mitcham has the call for the next question.

TAX SHARING LEGISLATION

Mr. MILLHOUSE: I am sorry I cannot answer that question. I would be very happy to throw light on the matter, and I am sure I could have done so, but the question that I should like to ask is addressed to the Premier. Has the Premier had any reaction from the Prime Minister in response to his letter to that gentleman objecting to the Bills introduced in the Federal Parliament entitled the States (Personal Income Tax Sharing) Bill and the Local Government (Personal Income Tax Sharing) Bill and, if not, what does he propose should be done about the matter? I understand that the two Bills to which I have referred have been introduced into the Federal Parliament and that they do very seriously undermine the policy that has been announced by the Federal Government of its federalism policy by providing that not all income taxation, or what is in fact income taxation, will be counted in allocating the shares between the Commonwealth and the States. The Medibank levy is one example, and the two Bills to which I have referred are other examples of the same quite underhand practice in view of the policy that has been announced by the Federal Government, and I must say that on this occasion I agree with what has been reported of the Premier's comments to the Prime Minister about the matter. Up until last Tuesday, anyway, there had been only a reported negative response from the Prime Minister to the request not only of the Premier of this State but of four of the other States in a conference about the matter. It may be that in the meantime the Premier has had some sort of reaction from the Prime Minister and

it is in the sincere hope that the Prime Minister has changed his mind on this underhand trick that I put the question to the Premier.

The Hon. D. A. DUNSTAN: No, I have not had any indication of a change of mind on the part of the Prime Minister; in fact, quite the contrary. In telexes from the Prime Minister it is clear that there is not to be any significant change to the States (Personal Income Tax Sharing) Bill. He has agreed that there should be some amendments to the Local Government (Personal Income Tax Sharing) Bill, to clauses 4 and 6. They do not go to the extent that the States had asked but it is an improvement. The position which all the States have been protesting about concerning the ability of the Federal Government simply by declaration to exclude what is a tax on income from the amounts that the States are to get as their proportion is to remain. The Prime Minister has, I believe, said in the House of Representatives that that would not be done before consultation with the States, but that, of course, is not in the Bill, and I am afraid, given what previous Governments have done with measures of that kind, an assurance does not give me any sort of confidence.

PLASTIC BAGS

Mr. OLSON: Will the Deputy Premier ask the Minister of Agriculture to investigate the packaging of fruit and vegetables in coloured plastic bags? I have received numerous complaints from my constituents about inferior fruit and vegetables purchased from supermarkets and fruiterers that had been contained in pink plastic bags; this applies particularly to potatoes and oranges. It is claimed that the coloured bags are a cover-up for potatoes with green skins, which, in the eyes of the public, are regarded as unsuitable for human consumption, because if eaten they have a poisoning effect. The plastic bags give oranges a more attractive and saleable appearance, to offset their inferior quality. Will the Minister clarify the situation by explaining the harmful effect or otherwise of eating green skin potatoes, and safeguard the public by restricting the use of other than clear plastic bags for the packaging of fruit and vegetables?

The Hon. J. D. CORCORAN: I will ask the Minister of Agriculture to take up this matter with the Potato Board and to investigate the packaging of oranges to see whether or not anything can be done and whether the problem is as the honourable member has suggested. I will ask him for a report as soon as possible.

GRAPEGROWING

Mr. ARNOLD: Can the Minister of Prices and Consumer Affairs say whether the Government will be making a submission to the Commissioner for Consumer Affairs on the minimum prices to be paid for wine grapes for the 1977 vintage? During the past 21 months, the increase in the price of wine grapes has been about .5 per cent during a period when overall costs in Australia have escalated by between 20 and 25 per cent. A report in the *Adevertiser* of October 27, 1976, under the heading "Grape returns earn grower wrath", states:

Of every \$1 spent on a bottle of dry red in a restaurant, 6 cents goes to the grower, 9 cents to the winemaker and 85 cents to the wholesaler-retailer and the Government.

In view of the minimal sum that the grower receives and the fact that during the past 21 months the increase in the price of wine grapes received by the grapegrower

has been only .5 per cent, I ask the Minister whether the Government intends to make a submission to the Commissioner, as I believe that he is receiving submissions on this matter at this time.

The Hon. PETER DUNCAN: I understand that the Commissioner is receiving submissions on this matter. However, the question of whether the Government would put matters before him would probably be for the Minister of Agriculture and the Agriculture Department to decide, not for me as Minister in charge of the Consumer Affairs Department, because in this respect we act as an arbiter between the wineries' and the grapegrowers' interests. As the honourable member has raised this matter, I will refer it to my colleague and let him have an answer.

CITIZENS FOR DEMOCRACY

Mr. WELLS: Can the Attorney-General say whether a group called Citizens for Democracy and other organisations are to hold meetings next week to deplore the Kerr coup of November 11, 1975? If such meetings are to be held, can he explain why no publicity has been given in the daily press to these activities? I have heard that the organisations to which I have referred will be holding meetings to deplore the Kerr coup and, of necessity, these meetings and demonstrations will be peaceful. I have been told by many people that these activities are to occur, but I have received many telephone calls and three letters from people who have heard whispers that such a thing will be happening but who have looked in vain through the daily press for any notice or publicity about whether and where these meetings are to be held. The press may not be aware that these meetings are to be held, but I find that difficult to believe. As I have seen no publicity about them, and the people who have contacted me have seen no publicity or notice that such meetings are to be held, I therefore ask the Attorney-General whether he has any knowledge of the matter.

The Hon. PETER DUNCAN: I understand that meetings are to be held next week. I think that a series of meetings is to be held. I have been invited to address a meeting in the Adelaide Town Hall on Monday evening and I think that at that meeting Mr. Allan Ashbolt, from New South Wales, and Mr. Donald Horne will also be speaking. In the Norwood Town Hall on Thursday evening, November 11, a further meeting will be held and the Premier and other speakers will be speaking at that meeting. Significantly, little publicity (to my knowledge, no publicity) has been given in the daily press to these important meetings. It has come to my attention that in the Murdoch press in this State a general message has gone out from the top echelon of management directing that no reportage of these events is to take place. I think that that is typical of and in line with the attitude of that newspaper organisation during the sorry events that occurred last November: one has only to recall the totally biased reporting that took place on that occasion. I believe that the events of next week will serve to remind Australians of one of the most sorry and serious chapters in the constitutional history of Australia. One does not have to go on at length about these matters, because we are all well aware of the shocking role that the Governor-General and members of the Party represented by the Opposition took in this matter. The meetings next week will serve to remind the public of Australia of these matters, and I only hope that the other media, apart from the press, will take a more responsible attitude to publicising these events.

HIGHWAY TELEPHONES

Mr. GUNN: Is the Minister of Transport prepared to consider establishing an emergency telephone service on the proposed new Stuart Highway on a similar basis to that which is proposed for the Eyre Highway? I have received a letter from a constituent from Woomera (Mr. Robertson, who is the specialist surgeon at the Weapons Research Establishment Hospital), and in the letter he states:

I noticed in the *Advertiser* recently that, on the new Eyre Highway, special telephones were being provided in case of emergency. I notice also that air strips will possibly be placed at strategic points and that ambulance centres have been equipped with two-way radio.

The basic request that he has made in that letter is that he would like telephones established along the Stuart Highway when the road is sealed. Will the Minister be prepared to consider this in view of the fact that telephones are to be provided along the Eyre Highway?

The Hon. G. T. VIRGO: As far as I am aware, that is now standard equipment on highways. I would imagine such equipment would be installed, but I will check and, if that is not the case, I will let the honourable member know.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

The Hon. R. G. PAYNE (Minister of Community Welfare) obtained leave and introduced a Bill for an Act to amend the Adoption of Children Act, 1966-1975. Read a first time.

The Hon. R. G. PAYNE: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill seeks to amend the Adoption of Children Act, 1966-1975, and has become necessary following the bringing to Australia of a large number of children from Asian countries, particularly Vietnam and Cambodia, in circumstances in which personal particulars of the children and their abandonment or surrender are not always clear or cannot be proved, and in which it is not clear who their parents might be. However regrettable were the causes that resulted in the children being brought to Australia, this country has given sanctuary to many Asian children, and it is now the duty of the Governments of Australia to ensure that they are assimilated into our community by granting their adoption to suitable persons. The circumstances towards the end of the Vietnam war were such that many of the children arriving in this country had little or no documentation as to their age, their name, their place of birth or the names of or indeed the existence of their parents. Although some had certificates of release for adoption signed by an orphanage director, they did not have documents signed by their parents consenting to their adoption in Australia. For such children, the provisions of the Adoption of Children

Act, 1966-1975, appear now to be inadequate to enable adoption courts to grant their adoption to suitable prospective adoptive parents. This Bill seeks to rectify the problems found to exist in the principal Act.

This is not to say that the principal Act was not appropriate for the vast majority of adoptions in this State. It means only that the Act was not drafted foreseeing the possibility of a large number of children from foreign countries being brought to this country for adoption, particularly from war ravaged countries. Such a possibility has now become a reality, and in amending the principal Act the Government has been careful to ensure that the exception should not become the rule. Certain safeguards to ensure that the exceptional circumstance should not become a common circumstance are provided in this Bill.

One hundred and seventy seven children from Vietnam and Cambodia are presently residing in South Australia. Adoption orders have been made by courts in this State in respect of 20 of these children. It now appears likely that unless the legislation is amended, adoption orders might not be granted for the remaining 157 children. The opportunity afforded by this amending legislation has been used to revise and amend the principal Act in other more minor ways following decisions taken at interstate conferences. Other provisions in this Bill are consequent on alterations to allied legislation.

Clause 1 is formal. Clause 2 seeks to repeal that item in section 2 of the principal Act which refers to interim orders (sections 35-37). The provisions of the Act enabling an adoption court to make interim orders have never been used and, as it is thought that they never will be used, they should be repealed. Clause 3 (a) seeks to repeal from the interpretation section of the principal Act the definition of "charitable organisation". The term "charitable organisation" is not thought to be an appropriate one. Rather, this Bill seeks to provide in clause 25 (c) that an application shall not be made for approval as a private adoption agency by an organisation formed for the purpose of profit.

Clause 3 (b) is consequent upon clause 2. Clause 3 (c) is consequent upon clause 3 (a). Clause 3 (d) replaces the definition of "the Director" in section 2 of the principal Act with a definition consistent with the Community Welfare Act, 1972-1975. Clause 4 seeks to repeal the phrase "under a *de facto* adoption" in section 10 of the principal Act. It is thought that these words add nothing to the provision and indeed could cause complications. Clause 5 seeks to amend section 11 (2) of the principal Act to achieve uniformity with similar provisions in other States. Clauses 6-10 are consequent upon clause 3 (d).

Clause 11 seeks to amend section 20 (1) of the principal Act by deleting the final clause. It is considered that this clause is adequately covered in sections 20 (1) (b) and 20 (2) and that it is in some conflict with section 30 of the Act. Clauses 12, 13 and 14 (a) are consequent upon clause 3 (d). Clause 14 (b) seeks to overcome in part the problems associated with the adoption of Asian children by amending section 27 of the principal Act which relates to the power of the court to dispense with the consent of a person to the adoption of a child. The proposed new subsection provides that consent will not be required in situations where the Director-General has certified that the child entered Australia otherwise than in the charge of a parent or an adult relative who proposes to care for the child while in Australia. The other requirement made in the subsection are that the child has been in the care of the applicants for at least 12 months and the making of an adoption order in favour of the applicants would be in the best interest of the child. The provisions of the subsection

will apply only in cases where the Director-General joins the applicants in their application to an adoption court. If the Director-General declines to do so, the applicants could still apply under the existing provisions relating to dispensation of consent. The principle of the additional subsection sought to be added was recommended by the officers of the Standing Committee of Attorneys-General. At the meeting of the Standing Committee last month, the Attorney-General undertook to provide the committee with a draft provision, and this is the provision based on recommendations of officers to the committee.

Clause 14 (c) is consequent upon clause 3 (d). Clause 15 is consequent upon clause 2. Clause 16 seeks to provide for the Director-General to accept or transfer guardianship of children awaiting adoption from or to an interstate authority when the child moves between States. It also provides for the guardianship of the Director-General to terminate when the child is placed by him in the custody of a parent of the child.

Clause 17 (a) seeks to delete certain words from section 30 of the principal Act which are redundant as there is no State law which expressly distinguishes in any way between adopted children and children other than adopted children. Clause 17 (b) is consequent on the deletion of the present subsection (5). Clause 17 (c) seeks to provide authority for the Minister to contribute to the support of a child under his care and control who is suffering from some physical or mental disability after an adoption order has been made. Clause 18 seeks to insert a provision in the principal Act that provides that no change in the forename of a child over the age of 12 years shall be made by an adoption court without the consent of the child. Clause 19 is consequent upon clause 2. Clause 20 is consequent upon clause 3 (d).

Clause 21 (a) seeks to fill a gap in the offences prescribed by section 44 by adding to subsection (1) payments made in consideration of the revocation of consents to adoption. Clauses 21 (b) and 22 are consequent upon clause 3 (d). Clause 23 (a) seeks to make it an offence under section 47 of the principal Act, in addition to those offences already prescribed by that section, for an unauthorised person to receive a child for the purposes of adoption. Clause 23 (b) is consequent upon clause 3 (d). Clause 24 seeks to amend section 58 of the principal Act to provide also that, where a child whose birth is registered in South Australia is adopted in a country outside Australia, the Registrar can register the adoption and make appropriate entries in the registers of births. Clause 25 (a) is consequent upon clause 3 (a). Clause 25 (b) is consequent upon clause 3 (d). Clause 25 (c) has been dealt with under clause 3 (a). Clauses 26-30 are consequent upon clauses 3 (a) and 3 (d).

Clause 31 seeks to add a new section to the Act to provide that the fact that the age of a child is not known should not of itself be reason for refusing an application for adoption. This proposed section also attempts to overcome problems associated with adopting Asian children. Officers of the Standing Committee of Attorneys-General recommended that in jurisdictions where it was considered necessary consideration be given to the enactment of such a provision. Clause 32 is consequent upon clause 3 (d). Clause 33 (a) seeks to insert in section 72 of the principal Act which provides power to make regulations, a power to stipulate by regulation, criteria upon which the Director-General might approve prospective adoptive parents. Under the regulations to the principal Act the Director-General keeps a list of approved prospective adoptive parents. The number of applicants is out of proportion to the number of

children being given for adoption, with the result that the waiting time for placement of a child has become unduly long. A Community Welfare Advisory Committee is considering this problem and the amendment is necessary to give power to implement by regulations any recommendation the Committee might make. Clause 33 (b) is consequent upon clause 3 (d).

Mr. WOTTON secured the adjournment of the debate.

MOBIL LUBRICATING OIL REFINERY (INDENTURE) BILL

Adjourned debate on second reading.

(Continued from November 3. Page 1884.)

Mr. NANKIVELL (Mallee): As this is a hybrid Bill, I do not propose to delay the House very long in discussing the matter, but I recall that in 1974 I had some discussions with the management of Mobil Oil Australia Limited, which was then completing its lubricating refinery at Port Stanvac. Some of the things that were said at the time were somewhat disturbing, because I think there was a certain amount of misunderstanding between the Government and the people concerned over what the Government meant at that time by saying that it agreed that the Mobil oil refinery at Port Stanvac, the lubricating oil refinery, should have the same concessions written into its indenture as those that applied to the indenture written in 1958 for the Standard Vacuum Refining Company (Aust.) Pty. Ltd. when Port Stanvac refinery was built. I think, from the Government's point of view, those terms and conditions were met, but I think there was a misunderstanding on the part of Mobil Oil Australia Limited about just exactly what that meant, because the discussions I had with them gave me to understand that they believed that they, as occupiers of part of the land in the square mile indentured to the Standard Vacuum Refining Company, could expect to have enjoyed some of the same privileges as those extended to the Standard Vacuum Refinery Company or the P.R.A. Company in relation to local government rating. Local government rating, I believe, is the question of this Bill, and it has been the subject of some controversy ever since this indenture has been in the process of negotiation. I cannot help but refer to the comment made when the original Bill, the Oil Refinery (Hundred of Noarlunga) Indenture Bill, 1958, was introduced. The comment made then by the then Premier, Sir Thomas Playford, on page 528 of *Hansard* was:

Clause 5 deals with the local government rates payable by the company. It is always difficult to determine a fair basis for rating a large industrial undertaking which occupies a considerable area of land inside a council's area and comprises much valuable plant, but does not use services provided by the council to a large extent. The oil company was desirous of knowing what its liability for rates was likely to be, and as the result of negotiations between the Government, the company and the district council of Noarlunga, it has been agreed that the company will pay £5,000 a year for the first two years and for the subsequent year the sum of £10,000. The company has an area of approximately one square mile. The amount collected in rates from the remainder of the district is about £15,000 so members will realize that the company has no desire to neglect paying a fair apportionment of rates.

After the interjection, "For how long?" from Mr. Jennings relating to limited liability for rates, Sir Thomas Playford said:

Forever in respect of this square mile of land. For the first two years it will pay £5,000 and thereafter £10,000. Clause 6 gives the company the right to use and occupy the foreshore

Further questions were asked but the important thing to come out of the debate was that the company, because of its experience in other countries, had insisted on a fixed amount of rate being written into its indenture, because in cases when it had entered into open indenture agreements it had found in time that conditions had been changed and where it had been said concessions would apply they had been removed and where concessions in rating had been granted rates had been imposed at a substantial level.

Mr. Venning: Was there any stage when the Government at that time had to use Mobil products?

Mr. NANKIVELL: I am not concerned about that; I think some arrangements might still exist. Regarding the square mile of land and the indenture an arrangement fixed the amount of rate income that would be paid to the Noarlunga council. Last year an amending Bill was brought before this House; it went to a Select Committee which reported back to the House. In reporting back to the House the Hon. Hugh Hudson, Chairman of the Select Committee, said (page 2346 of *Hansard*):

If the Government of the day attempted to amend indentures without the agreement of the other party, that would seriously affect the relationships between industry and Government in this State, because in any dealings on future indentures no company could really rely on the word of the Government of the day; that could always be subject to further change by Parliamentary amendment.

I know that this indenture has not been entered into and therefore it has not been changed, but I submit there has been a misunderstanding as a result of the verbal negotiations that took place. It was not until the refinery was almost on stream that the question of additional rating of the land for local government purposes came up for discussion. Two years ago the sum of \$190 000 was mentioned. I have read a letter from the then District Clerk (Mr. Catt) that stated that, in view of its structures and the area of land and relating it to the existing refinery, it was felt (that had not been confirmed by council) that a figure of about \$35 000 would have been not an unreasonable figure—in other words a sum at that time of about \$60 000 rate for the area occupied by both the refinery and the lubricating refinery.

The plant is on stream with an output of 3 000 barrels a day. I am told that no provision was made in the original budget for rating of this kind because it was believed the company would be covered by the more nominal rating that applied to the other refinery. Some concern about this is being expressed at the moment, of the type referred to by the Minister last year. Arrangements entered into in good faith without defining precisely the areas of responsibility can lead to misunderstandings that have repercussions, and I understand that the Mobil Oil Company of Australia believes under the present circumstances that it was misled to some extent. It was not told anything that was deliberately wrong but it placed a wrong construction on the verbal assurances given to it when it negotiated to go ahead with the building of the refinery.

The comparative rates that apply to other refineries in other States and the problems that may arise in the costing of the product as a result of the limited throughput will all be submitted to the Select Committee set up to look into this Bill, but I place before the House this information because I believe that, had it not been for the fact that the refinery was almost completed before this sum of \$225 000 or \$190 000 (the Minister of Education suggested a slightly higher figure at the time as appropriate for rating) was mentioned as a possible rate for the area occupied by this lube refinery, there is every possibility that it would not have been built in South Australia. I hope the evidence given to the Select Committee will enable it

in its deliberations to give some better information to this House and to make recommendations of amendments to the House. I support the second reading.

Bill read a second time and referred to a Select Committee consisting of Messrs. Evans, Hopgood, Nankivell, Olson, and Slater; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on November 23.

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 19. Page 1614.)

Mr. ALLISON (Mount Gambier): I support this Bill, which provides, first, that the defendant in sexual offences cannot call the victim for oral examination unless the justice finds there is special reason for the victim to appear. The Bill also defines sexual offences including incest, which still remains a separate offence despite the recommendations of the Mitchell committee to the contrary. It is pleasing to note that the Attorney-General has heeded public opinion that has been strongly against the Mitchell report.

One of the better features of this Bill (and the Mitchell committee recommended this) is that it seeks to remove the victim's trauma in repeatedly giving evidence on a sexual assault but equally it still protects the right of the accused, since he still has the right not to be put on trial if the evidence adduced against him reveals that the alleged offence was not in fact rape. There is a possibility that this may now lead to an increase in charges lodged against rapists and other sexual offenders, but probably the best feature of this Bill is that the defendant can no longer insist on pre-trial oral examination of the victim and that evidence given by the victim at the trial be deemed sufficient. I will not read the recommendations of the Mitchell committee, as this Bill implements them accurately. I support the legislation.

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

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 19. Page 1615.)

Mr. ALLISON (Mount Gambier): This Bill, similarly to the one with which we have just dealt, also defines sexual offences. Once again, incest is a separate offence. New section 34i, which is inserted by clause 4, provides that statements regarding evidence will be inadmissible unless introduced by cross-examination or in rebuttal of evidence tendered by or on behalf of the accused. It is pleasing to see that evidence of prior sexual experience is now inadmissible unless the justice decides that there are very special reasons why it should be included, and the judge has to decide the relevance of that evidence before admitting it. Both the accused and the victim are protected to some extent by this legislation, as there will be a restriction on the publication of information from which the names of the victim and the accused might be deduced, and substantial penalties can be imposed. Should the name of the accused be published, there must be a

report of equal prominence published in the same newspaper subsequently should he be acquitted. We support the legislation.

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

STATUTES AMENDMENT (CAPITAL PUNISHMENT ABOLITION) BILL

Adjourned debate on second reading.

(Continued from August 5. Page 461.)

Mr. BOUNDY (Goyder): In expressing my support for the passage of this Bill, I make clear that I do not necessarily express the view of my Party. On questions of a social or moral nature, a Liberal is permitted to follow the dictates of his conscience, and this I now do. I do not know whether I represent the majority view of my electorate. I have had some letters and representations from constituents. The views expressed by them are as diverse as I imagine are the views of my Party colleagues. I am therefore faced with a decision where I must look to my own conscience, and in doing so I respect the differing views of my colleagues and my constituents and trust that they can in return respect my view, even if they cannot accept it.

I believe this is not a debate about hanging but a debate to allow each member to decide for himself and to state whether he believes that the death penalty will again be carried through to execution in South Australia. I do not believe it will. The last execution in this State was in 1964, in which year three persons were convicted of murder. Executions were performed in 1956 and 1958, but since 1964 ultimate retribution has not been used. I do not believe it will be used again, and I therefore favour its abolition. I am reinforced in my view by an article by Dr. Emery Barcs, in the *Bulletin* of July 24, 1976, entitled "Execution makes a comeback". The report refers to a change in attitudes towards hanging throughout the world. In that article Dr. Barcs says the following about Australia:

In Australia capital punishment has been totally abolished in Federal territories, as well as in Queensland, Victoria, and Tasmania. Treason and piracy carry the death sentence in New South Wales, murder and piracy in South Australia, and treason, piracy, attempted piracy and wilful murder in Western Australia.

The following is the crunch point. The report continues:

However, legal experts I have interviewed seem to agree that chances of the execution of any criminal, for whatever reason, have become rather remote in the three Australian States with limited retention of capital punishment.

That is what Dr. Barcs considered to be the case in South Australia: despite the fact that the provision still remains on the Statute Book here and in two other States in this country, it is exceedingly unlikely that it will ever be carried out. In his second reading explanation the Attorney refers to the earlier debate on this matter on a Bill that failed to pass in 1971. The discussion, however, is much older than that; indeed, more than 200 years ago Cesare Beccaria wrote a book on crime and punishment, which is still valid today. His sentiments are still pertinent today. He pointed out 200 years ago that all punishment deters but that there is no statistical evidence that capital punishment deters uniquely, and that, when the death penalty is dropped for particular offences, the crime rate does not seem to change. Beccaria argued that the greatest deterrents to crime were certainty of detection and certainty

of conviction and that crime rates tended to be determined by factors other than the severity of punishment, factors such as the general stability of society, the existence of a police force, climate, the degree of urbanism, economic factors, and drinking habits. Beccaria also argued that the appropriate penalty for crime could be worked out statistically. He stated:

It is the lowest penalty consistent with public safety. There is a critical point in punishment beyond which increasing severity is unnecessary because it has no demonstrable influence on the crime rate.

No-one suggests that anyone planning an attempted murder leaps through the Crimes Act to select a crime with a 15-year penalty rather than one with a 20-year penalty. That would be absurd. I must agree with Beccaria regarding the most heinous crimes involving hijacking, terrorism, mutilation murders, and those involving police and prison officials—that life imprisonment should mean just that. Beccaria argued strongly against the powers of pardon. He insisted that the power of reprieve was undesirable and that it should be abolished. That is true. In the cases I have just cited, I believe that life imprisonment should mean just that. Such men should be deprived of their freedom in some cases for the term of their natural life.

In this State, concern over the parole of Rupert Maxwell Stuart (to use that case as an example) does not in my view constitute a case to retain the death penalty or to have carried it out on that unfortunate gentleman. It may well be, to use his case as an example, that the actions of the Parole Board may have been too lenient. Ample opportunity exists to stiffen penalties so that breaches of parole cannot occur.

Retentionists may argue that in hijackings and death resulting from attempts to release gaoled terrorists and the like, the death penalty is the appropriate penalty. I am sure that we are all horrified by the terrible things that happened at Entebbe and like occurrences throughout the world. We would have to agree that execution ends any chance of further terrorism with respect to the terrorist directly involved. I cannot agree that the madness and anarchy that motivate such people stops those actions altogether. It could well cause the people involved or their friends to make a reprisal raid with equally disastrous results.

There again, in the tragedy of Northern Ireland, the cowardice of the terrorist bombings and the killing of innocent women and children, the possibility of reprisal killing or the full weight of the law does not seem to diminish the continuation of that madness. Not only do these people live under the threat of the law but also they live under the threat of immediate retribution for their actions. Despite that, that stupidity still continues in Northern Ireland without abating. The presence of the ultimate deterrent in that case does not indicate a reluctance to continue killing; indeed, history shows that familiarity with execution does not deter at least some people from themselves committing the ultimate felony.

Sir Ernest Gowers found that, of the 167 prisoners hanged in Bristol in the nineteenth century, 164 of them had witnessed one or more executions and that all but three of them had seen it happen to someone else. Until 1939, when guillotins were public in France, a majority of French murderers had observed one or more guillotins. David Bennett, who was hanged at Pentridge Prison in 1932, was a life-long friend of Angus Murray, who was hanged in 1924. Thomas John Ley, a former New South Wales Minister of Justice and an ardent retentionist, was sentenced to death in England in 1947. Harold Green,

who organised a petition for the hanging of the moors murderers, Ian Brady and Myra Hindley, was soon after convicted of child murder. Sergeant William J. Mulrine III, a senior police officer who campaigned for the restoration of capital punishment in Delaware in 1961, murdered his wife 10 days after the death penalty was restored.

It cannot be said, therefore, that the retention of the death penalty on the Statute Books acted, at least in those cases, as a deterrent to the crime of murder. Then, too, with political assassinations and attempted assassinations, examples of what happened in the United States of America, where there is no death sentence in 10 of the 50 American States, are interesting. The statistics available indicate that no account is taken by assassins of the ultimate penalty or its absence. Some examples can be given here. Assassination attempts, either successful or unsuccessful, have been carried out at some time or other on President Truman, John and Robert Kennedy, Martin Luther King, Medgar Evers, James Meredith, George Lincoln Rockwell, Malcolm X and George Wallace. All of those attempts took place without exception in States in which the death penalty applies.

Although the men who were assassinated or on whom attempts were made were extremely mobile men (they were all over the place all of the time) and could just as easily have been shot down in an abolitionist jurisdiction, it did not happen. One might have expected that many murderers in the United States would choose to pick off their victims in an abolitionist area, but they did not.

I do not want it thought that I consider that on no account death for murder or attempted murder should result. I cite the case of the recent Rundle Street Hambly-Clark store tragedy, in which I believe the police acted properly and are to be commended for their courageous actions to protect the safety of the community. Also, I would not hesitate to use a sharp-shooter were that possible to protect members of the community in any similar future situation.

However, even in that case were it possible to capture and disarm the person and place the criminal in an escape-proof gaol, I do not see that he would then constitute any further threat to the safety of society, nor that executing him in cold blood after conviction would satisfy any real need in the community. Certainly, at the time of the crime emotions of the community are aroused and the climate of opinion may call for the ultimate retribution. The death of the criminal in cases of murder will not put flowers on the grave of the victim, nor can it compensate for the loss of a life. My concern is always for the victim and the family that has been outraged by the violence done to it, but killing the offender does not solve the problem, and carrying out that penalty cannot expiate the crime.

In judging my attitude, I believe in some way that my support for detention in the case of the most heinous crime for the term of one's natural life and the total forfeiture of one's freedom is crueller than immediately snuffing out the spark of life by hanging. I do not resile from that opinion, but favour it. I believe that, having taken this view of the death penalty, the positive suggestion I can offer is that we should be more concerned with prevention of crime, because prevention must always be the key. There are many extenuating circumstances that apply in crimes from which murder is the result. A report in the *Advertiser* of October 22 points out some of the factors involved in murders. The report, referring to Dr. Parker,

a Queensland consultant who is one of the four psychiatrists in Australia specialising in forensic psychiatry, states:

"Those of us in this work have seen the pattern emerging," he told the annual congress of the Australian and New Zealand College of Psychiatrists in Adelaide yesterday. He believed a current climate of permissiveness was forcing psychiatrists into being far too liberal in discharging potentially psychotic patients. A study he has made of 100 murderers had shown that two out of every three murderers killed someone very close to them. Indeed the victim often plays a vital part in the crime—it is a *pas de deux* rather than a solo performance.

Homicide is overwhelmingly a domestic crime; women kill their children or husband; men kill their wives or mistresses. Psychiatrists were better equipped than anyone else to predict violence and frequently it was possible to see a situation escalating to a point where homicide was the next step.

There ought to be ways of protecting victims until the situation "cooled down". Dr. Parker said personal freedom was being constantly eroded by bureaucratic controls of one sort or another, yet paradoxically potentially dangerous people were given their freedom to kill innocent victims. "Despite its enormous coverage by the media, murder is a very rare and exceptional event," he said.

"A considerable proportion of the people involved in this crime are either mentally sick or emotionally disturbed at the time, and I believe that the major thrust in preventing murder should be directed towards these people. At least one in 10 of the murders in which I have been involved could have been prevented."

Our priorities should be established, as Dr. Parker has said, with prevention where possible being the best method. He has outlined the fact that detention and treatment of these people would at least in some cases play a part in preventing murders. I am sure that not even the most ardent retentionist of the death penalty would argue with this point, nor would he enjoy carrying out the death penalty. Here is a chance for people at least in some way to prevent some murders from occurring. I hark back to my point about the death penalty being a deterrent and repeat what the learned doctor has said about homicide being a domestic crime. He has said that it is overwhelmingly a domestic crime: women kill their children or their husbands and men kill their wives or mistresses.

Does anyone in his right mind think that the presence of the death penalty on the Statute Book would prevent these kinds of murder? I believe that, additional to the point I have stated, the influence and incidence of alcohol and drugs in driving people to commit murder is not to be under-estimated. As a community, we have a duty to ensure that we institute the best controls on both these factors, so that the chance of murder resulting from an excessive use of drugs and alcohol can be lessened and even prevented. It is pleasing to see that the Government is to introduce greater penalties for drug trafficking and drug use.

Mr. Evans: Following the Opposition's lead.

Mr. BOUNDY: Yes, it is following the lead of the Opposition, which has called for measures to be implemented. It is most important that the pusher be dealt with by imposing proper penalties for drug offences. It is apparent that murders are committed as a result of drug use and abuse, but is the murderer alone to be condemned? If we are to hang him, we must also hang the pusher. However, I do not believe that either course is appropriate, as I believe that prevention is the key in this matter. If we could prevent murders we would not be confronted with the responsibility of having to carry out the death penalty. At I outlined earlier, in the whole spectrum of penalties for crime of every nature, especially juvenile crimes, we must take a hard look at what we are doing in this State.

I refer to the report of the Commissioner of Police (Mr. Salisbury) published in yesterday's *Advertiser*. He took the view that juvenile crime was increasing. A press report of his report appears on page 7 of the *Advertiser*. Mr. Salisbury referred in his report to drug offences and said that, in recent years, there had been a swing towards the use of hard drugs, an increase in vandalism and in motor vehicle thefts, and that an increased proportion of juveniles was involved in these crimes. Unfortunately, as a result of juvenile aid panels and the treatment they have received at the hands of the various agencies concerned with juvenile crime, those young people who have no desire to be returned to society as decent law-abiding citizens soon gain the impression that the law is weak, and that, if they break out of an institution, they can go off and steal another motor vehicle. They also engage in shop-stealing and breaking and entering.

Mr. Evans: It becomes a recreation for them.

Mr. BOUNDY: Yes. They return to get another pat on the head and they are told that they are basically good boys and girls. I dissociate myself from any thought that I am saying that this attempt at rehabilitation should not continue. Certainly for first offenders every attempt must be made to rehabilitate them and return them to normal society, giving them an opportunity to live as decent citizens for the rest of their life. Indeed, most of them do this, but, for the minority which continues to offend against the community time and time again by breaking the law, it seems to me that it is possible to take the view that they are serving an apprenticeship in hardened crime. As the Commissioner of Police stated, the effects of drugs in the community can only lead us to believe that this apprenticeship in crime can soon cause a move to other areas of drug trafficking and the like, so that finally we see more murders in the community and more bestiality as a result of these activities.

The Liberal Party, which is concerned for the prevention of crime, yesterday announced its short-term proposals for assisting in these matters, and it was interesting to note the Premier made his in-depth study of the proposals today. It appeared to me that his overreaction was in some sense a case of sour grapes. No-one was suggesting that nothing was being done or that the Government had taken no action. The Liberal Party is suggesting (even stating) that, when it attains Government, it will do much more in the area of prevention of crime. I believe that the role of youth clubs, the Service to Youth Council, and like organisations in the community must have a beneficial effect on the young in our community. It cannot be denied that some elements in the community act irresponsibly (that can never be entirely prevented), but surely the provision of more Service to Youth Councils and youth clubs and all those other voluntary organisations in the community that have a heart for these kinds of problem can only benefit us all to the end that in some cases we would prevent the ultimate crime.

I support the points my Leader made in this regard. I think that young offenders should be required to make restitution for the results of their actions and that the community should provide compensation for damage caused by young absconders. Also, we should do more in the field of establishing weekend detention and making vandals repair the damage they have done, because all of those areas of activity could only assist in this area. While the matters I have just ventilated do not refer specifically to the abolition of the death penalty, I am sure that all members will agree that any action we can take to assist the

community, both juveniles and adults, to prevent crime and to assist them to lead normal lives must ultimately reduce the incidence of serious crime in the community.

In conclusion, I have one further concern about the abolition of the death penalty. I am concerned for the lot of members of Executive Council when dealing with the present law. After the consideration of a murder, the conviction by a jury and the sentencing by a judge, these members of Cabinet are called on to make the final judgment, which, by tradition, in this State, at least since 1964, has been to commute and which, by evidence tendered earlier, is likely to be the case in the future.

These men are called on, after experts in the law have spoken, to vary the sentence. They are in some sense no more than concerned amateurs in these matters, but they are charged with the awesome responsibility of reflecting public opinion. Although immediate emotion in the community may indicate the ultimate penalty, later reflection may not be so strong. I believe that our Parliamentary leaders should be relieved of this onerous duty, and the abolition of the death penalty would achieve this aim. Its retention is no deterrent, but maximum security in prisons and certain long-term sentences before parole would reassure the community. I support the Bill.

Mr. EVANS (Fisher): I support the Bill. I have expressed a similar view in the past. There is not much more I want to say, except to place on record again that I object to the system in which we have the opportunity to take a person's life where the judgment has been that the person is guilty, but that others shall decide whether his or her life shall be taken. I believe that when we remove this penalty from the Statute Book (and I believe that it will be removed on this occasion) another loophole will need to be filled. I support unhesitatingly the provision to allow a judge to gaoil a person for the term of his natural life, never to be released unless found innocent. I think that is a fair provision for the type of crime in which a policeman or prison officer is shot in carrying out his duties, or in the case of a political murder that is always possible in any country where money is paid to get rid of a key person. It could be a business murder (we have not seen that in this country) or a person being shot who is involved in a crime syndicate and is wiped out by paid murderers. For that type of murder I have no doubt in my mind that we should gaoil the person for the term of his natural life never to be released unless found innocent.

I believe that we should look more closely at our parole system. If a person is gaoled for 10 or 20 years for having committed an unpremeditated murder in a fit of emotion, I believe there should be no room for parole at all. I think there should be some respect for the law, but I do not believe there is a lot of respect for the law in the country now. I do not blame the Police Force for being somewhat dissatisfied with the way in which their efforts are treated. Officers apprehend a person who has committed a serious crime, this person is found guilty and in most cases is given only a moderate penalty, and even in the case of a gaoil sentence that term is not completed. People are aware that if they are apprehended and found guilty that, with good behaviour, they can be released having served only half the sentence or even less. People who have that sort of dedication will think about the type of murder they are going to commit and will depend on the good Samaritan approach we have in our society whereby they can be released much sooner than society as a whole would like them to be.

I wish to refer to one case without naming individuals. I had the pleasure earlier in life of working with a man for a good many years. He subsequently took to drinking home-made alcohol (some stiff brews) and had problems in his life. He gave a lot of trouble to his family, and physically assaulted some members of his family. He then left home and went to live in another area. He committed a double murder and was found guilty, an emotional murder I suppose one could call it because of a love affair. He was gaoled and eventually placed in Z block at Glenside. I visited him a couple of times because I had known him in earlier life and had found him a friend in those times.

That person was recently released from that institution without his wife and members of the family being told. One of the family received a telephone call from him one evening, and one can imagine the fear going through their minds knowing that he was back in the community at some rehabilitation centre and had the freedom to walk the streets in a town that was about 60 kilometres from the centre of the metropolitan area. Surely the authorities could have informed the family and given the wife and the son the opportunity to move out of the State because of their fear of him. But that was not the case.

I make a plea to the Attorney and those in his Government that that is the sort of thing that should be considered when we take the action provided in the Bill. It is unfair to those people that live with that fear in their minds. They had been through hell in their earlier life and have had enough of it. They know all the background, and suddenly one evening the telephone rings and the person feared is on the phone to say, "I am floating around now and I will see you." That happened in the middle of this year, and I think the authorities were wrong not to inform those concerned. No member would like that to happen to him. I am sure that if a warning had been given some movement would have been made by the family at least to cover their tracks instead of being able to be found and pinned down where they had lived in the past, with this person knowing where they were living and being able to contact them.

I do not say that any threats were made; that is not the point. The point is that they did not know that the person who had been convicted, sentenced, and who had served time in gaol, and in the asylum in Z block (and he could not return to his homeland because it would not take him back) had been released in the community. He was able to contact his ex-family (a divorce had gone through). That is an example of why I say the sentence should be for the term of your natural life, never to be released unless found innocent. That is not unfair. Although it is expensive for society, so are the deaths that have been caused. That is what I ask the Attorney to consider now that he is moving to abolish capital punishment.

I support that move. I do not believe that, as human beings, we should sit in judgment of another person's life, whether it be by law or illegally, when it becomes murder. Whether a person is killed inside or outside the law it is still murder. I plead with the Attorney to consider tightening penalties and ensuring that the court can fix them and that nobody can give parole, or reduce the sentence unless a person is found innocent. I support the Bill.

Mr. JENNINGS (Ross Smith): I support the Bill. I have been here for 23 years and I feel fairly certain that in each of those 23 years we have had this type of Bill before us. I have supported such legislation because

I think it is right. I congratulate the member for Goyder, who spoke very well for most of his speech, but got off the Bill somewhat at one stage. I support this legislation for the twenty-third time.

Dr. TONKIN (Leader of the Opposition): This matter has been debated in this House many times. I see no reason whatever to change my attitude, which is exactly the same as it was before. The arguments are in *Hansard* for those people who wish to see how I stand on the matter, and I make no secret of my position. I believe no man or woman has the right to take the life of another man or woman, and that applies not only to murder but also to execution. Society does not have that right either. No-one can be so certain of the facts and so sure that he can afford to condone that action. For that reason my attitude is exactly the same as it was.

Mr. GOLDSWORTHY (Kavel): I oppose the Bill and I think I am the first member to do so. I do not hold my views as strongly as when this matter was debated previously in this House. I thought the Bill was introduced in a good spirit indeed by the Attorney-General, when he paid some respect to people who did not share his own view. I am grateful for that. We were subjected to a certain amount of abuse from the Government benches when we spoke in opposition to a similar Bill earlier. I admit I have given this matter probably as much thought as I have given to any of the social legislation that has come before this House, and my view is not as clear cut as it was when I opposed a similar Bill previously.

I believe a policy of commutation of the death sentence is appropriate in this country at the present time. I am perturbed at the possibility of there being a necessity in the future to have the death penalty because of a situation arising in society at that time. The death penalty was abolished in England some time ago, and attempts to reintroduce it are being singularly unsuccessful. At the conclusion of his evidence to the United Kingdom Royal Commission on capital punishment, 1949-53, Prof. Thorsten Sellin, then President of the International Penal and Penitentiary Foundation, said:

The question of whether the death penalty is to be dropped, retained or instituted is not dependent on the evidence as to its utilitarian effects, but on the strength of popular beliefs and sentiments not easily influenced by such evidence. These beliefs and sentiments have their roots in a people's culture. They are conditioned by a multitude of factors, such as the character of social institutions, social, economic and political ideas, etc. If at a given time such beliefs and sentiments become so oriented that they favour the abolition of the death penalty, facts like those presented in this paper will be acceptable as evidence, but are likely to be as quickly ignored if social changes provoke resurgence of the old sentiments. When a people no longer likes the death penalty for murderers it will be removed no matter what may happen to the homicide rate. This is what has happened in the past in connection with crimes against property.

That may be so when applied to the question of abolition, but when it comes to the question of reintroduction, certainly in the English experience, it is difficult. In the United Kingdom, in December, 1975, a Bill for reintroduction was again defeated by 361 votes to 232 votes. In England, all public information surveys indicate a 75 per cent to 85 per cent popular support for reintroduction of the death penalty. That indicates that, although I believe a current policy of commutation may be in sympathy with public reaction in this State (although I am far from sure of that point), I am sure that once the death penalty is abolished in a country and State such as

ours its reintroduction, even in extreme situations, will be difficult. All evidence around the world points to this conclusion. An article in *The Bulletin* of July 24 this year, under the heading "Execution makes comeback", stated:

After the adoption of the Universal Declaration of Human Rights by the United Nations in December, 1948—in which our Dr. Evatt played such a major role—hopes soared about the abolition of the death penalty in all civilised countries. Now, 28 years later, the abolitionists' cause looks less hopeful than it has for some time. The U.S. Supreme Court, upsetting a 1972 decision, has ruled that because the death penalty is neither cruel nor unusual it does not contravene the American constitution, which stipulates that no "cruel or unusual punishment (should be) inflicted".

And Israel, which had abolished capital punishment for all ordinary crimes, has announced that it may introduce it for convicted terrorists. Generally speaking, the present atmosphere of criminal violence and political terror has become clearly unfavourable for getting rid of the ultimate retribution, however useless it may be. It seems revealing that of the 140 members of the United Nations only 11 have abolished capital punishment completely.

The article also states that in America there is no death sentence in 10 of the 50 American States. Conditions in this country at the moment are not as chaotic or turbulent as they may be in some of the Mediterranean countries and some other areas where terrorism seems to be increasing. One cannot foresee what will happen to crimes of violence in this country in situations that can emerge. We could well be faced with the position where people believe we should not have abolished capital punishment, and that situation would be difficult to reverse. The Labor Government in South Australia has the ability to, and does, commute death sentences. I believe we should keep this provision on the Statute Books.

I believe it is a utilitarian punishment, despite what other people believe. If the people clearly responsible for air piracy, hijacking and mass killing were executed that may solve some of the problems arising from further hijackings and killings to get the hijackers released. I believe it has a utilitarian aspect in such serious situations. For that reason I believe that in circumstances such as those, which are close to war situations where life seems to be at its lowest premium, the death penalty would solve immediate problems. That may be a rather cold argument, but I consider it is valid.

Mr. Millhouse: It is an argument fairly characteristic of you, though.

Mr. GOLDSWORTHY: I hope it is a logical argument. I do not like to be carried away on a wave of emotion. I do not consider that I am a completely unemotional person, but when dealing with these matters I believe that if I can bring the light of logic into the argument nothing is lost. For that reason I put this point. Opinions on this matter throughout the community are divided, and the views of the judiciary are divided. I know what the recommendations of the Mitchell Committee were, but I have been in conversation with other judges of the South Australian courts and I know their views are divided, as are the views of the public in this State. I am grateful that the Attorney tried to set the tone on a high plane and that there was no belittling of people because of the views they hold.

The Police Commissioner has gone on record as supporting the retention of the death penalty. I do not know whether he has made a recent statement, but one statement he has made indicates that he believes in the retention of the death penalty for certain crimes, described in a press report as "beastly murders". I can think of one or two murders which have happened in other States and which could be described in that way. Here is a person who is

dealing with these situations and sees at first hand the results of murder and the effects it has on the immediate family. It seems to me that some of the people who are strongly in favour of abolition of the death penalty, people who come into print from time to time, are preoccupied with the rights of the criminal and the murderer and seem to forget completely the effect in the first instance on the person, the torture, cruelty and mental anguish which the victim must have undergone, and the anguish of the family left behind. They seem to gloss over or forget this aspect and concentrate on the so-called rights of the murderer. I recall seeing a television interview recently where the parents of a girl murdered (who looked to me like average decent folk—not highly educated, but average Australian citizens) were interviewed about their attitude to the death penalty. Their daughter had been one of the women murdered in a series of murders in Queensland. These people were loath to say they favoured the retention of the death penalty, but the interviewer rather unfeelingly pressed the question and eventually the father of the murdered girl said that he believed that was the appropriate punishment for this ghastly crime.

I raise this matter only to indicate that it seems to me that people focus their attention in different directions in what is quite often an emotional issue. Public opinion in my electorate would, I believe, support the vote I will cast in relation to this Bill. I have not had a flood of letters, but I have had conversations with people in relation to this matter. I have had some letters, one which comes regularly from a pastor, who is probably as frequent a correspondent as any correspondent to the press (and I do not think some of the things he says are inappropriate), and I will quote some points from his letter, which states:

It is reported that the matter of abolishing capital punishment has again been brought up in the South Australian Parliament. I believe that those who are urging for the abolition of the death penalty in this State are closing their eyes to the fact that since the Government abolished corporal punishment for civil offences, and has consistently commuted the death penalty, there has been an alarming increase in crimes of violence in this State.

I think that is a statement of fact. Whether the connection between the two has been conclusively proved would be the Government's defence in refutation of that statement, but I think that is a statement of fact. Those two things have certainly happened simultaneously. The letter concludes:

In the U.S.A., where statistics show very clearly that with the decline in the use of capital punishment there has been an increase in crimes of violence, the Supreme Court recently declared the death penalty to be valid. Israel is considering the introduction of the death penalty for convicted terrorists. While criminals, too, should receive conviction, and people accused should receive a fair trial and should be given the benefit of genuine doubt, anyone guilty of wilful murder deserves the death penalty. I have received communications from relations of victims of murder in this State, complaining about leniency of the Government in dealing with murder. I believe that capital punishment should not be abolished.

There is another gentleman who feels strongly about the matter and who has taken the trouble to send a letter to members of Parliament. There is another letter I received from a constituent who is well known to me, a man in his early thirties, who wrote in the following terms:

As I am a member of the banking industry, I am rather disturbed at the increasing amount of armed hold-ups, including banks. I would therefore like to bring to your attention the following points, as I see them in relation to bank security.

I. I am seriously concerned at the growing increase in lawlessness and acts of violence in the community.

2. It is considered the leniency of courts and the inadequacy of many sentences awarded for wanton violence, is a factor in this increase.

3. I would recommend to State (and Federal) Government that all possible means, including sterner measures than those now employed, be used to curtail this growing menace.

The only other part of his letter I will quote is point 5, which states;

The death penalty should be automatically implemented where a person with premeditation has armed himself with a lethal weapon or weapons, including bombs and explosives, and has subsequently committed wanton homicide therewith.

Those sentiments, I think, are still held strongly in this community, and, if we are to give any credence to the view of Professor Sellin, which I quoted during the introduction to these remarks, that the legislation will reflect opinions, despite arguments one way or the other, it is my view that if this Bill passes this Parliament it will do so narrowly. In my view, opinion in the community is closely divided on this issue. I believe that in my electorate a majority of people would favour retention of this penalty. I make no secret of the fact that my own view has been modified since we last debated the subject. I think a policy of commutation is probably appropriate at the present time. I think it would be most unwise to abolish capital punishment, because we do not know what the future holds and because it is very difficult to reintroduce capital punishment once it has been abolished. I oppose the Bill.

Mr. KENEALLY (Stuart): I support the Bill, and in so doing I congratulate the Attorney-General on his contribution to the second reading debate, which I believe to be one of the most comprehensive and adequate arguments in favour of the abolition of the death penalty that I have had the good fortune to read or hear. I believe the taking of life in any circumstances brutalises society. State killing no less than a private killing, equally brutalises society. I will read from an editorial that appeared in an American newspaper, the title and date of which I have now forgotten, but it deals with the constitutionality of the death penalty in America. In the last two paragraphs, the report states:

The issue is not whether capital punishment is constitutional. The issue is whether it serves as a deterrent (there is no conclusive evidence either way), and whether society can better protect itself by other means. In a world where so much savagery sickens the heart, these words of Albert Camus should be heeded: "Justice of this kind is obviously no less shocking than the crime itself, and the new official murder, far from offering redress for the offence 'committed' against society, adds instead a second defilement to the first."

Those words sum up quite adequately my feelings on this matter. I know that in such debate people of goodwill and extreme social conscience will find themselves in different camps. I have no criticism at all of those members of society who disagree with me, but I have just tried to explain, by the use of other words, my feelings on this matter. I support the Bill.

Mr. MILLHOUSE (Mitcham): I oppose the Bill, as I have always been opposed to the abolition by law of capital punishment. I have been looking up, in preparation for speaking briefly yet again on this topic, what I said the first time the matter was debated in my time in the House, which was, I find, on September 23, 1959. Then I made a fairly long and, if I may say so with modesty, good speech.

Mr. Goldsworthy: Here we go.

Mr. Mathwin: Careful or you'll hang yourself.

Mr. MILLHOUSE: I set out at that time all of the arguments both theoretical and practical that I could think of in answer to the Bill that was introduced then by the member for Norwood, the present Premier, to abolish capital punishment in this State for all crimes at that time except treason, which he was willing to leave alone. I was rewarded by that honourable gentleman in the course of my speech by the accusation that I had descended into the gutter. I do not know about that.

I do not intend to go over everything which I said on that occasion or which I have said on the numerous occasions since when we have debated this topic. Like the member for Kavel, I, too, believe that it is likely that the death penalty will be abolished this time. Obviously it will go through this House because the Labor Party is solid on it. Although I have not picked up with any great ease the drift of the remarks made by speakers on this side so far, I believe that some of them favour abolition as well. I imagine, too, that there will be a majority for its abolition in the Upper House this time. Therefore, we are likely to see it out.

That will not be the end of the matter. One can argue until one is blue in the face the merits or the vices of capital punishment. One will never convince an opponent on this matter, because it is finally a matter of conviction. It can be argued both ways. The fashion now by and large in our community is against capital punishment. There is, I think, no doubt about that. I believe that I am quite unfashionable in the view that I hold. The fashion has changed.

Mr. Goldsworthy: I wouldn't be so sure about that.

Mr. MILLHOUSE: As with any other fashion it will change, which I think has already happened in the United States of America, where the trend is towards the restoration of capital punishment. I have no doubt that, if it is eventually, as I believe it will be, abolished by law in this State, then, at some time in the not too far distant future, it will be reintroduced. I hold my own convictions strongly on this matter and respect those who hold the contrary view. Many people whom I respect greatly hold contrary views; indeed, my wife is an abolitionist, so it is one topic that we avoid discussing at home. I suppose that we are all the same in that way: it is no good having an argument about something that does not matter when we cannot change each other.

Mr. Keneally: She's a great woman.

Mr. MILLHOUSE: I agree with the member for Stuart and will pass on his interjection when I get home.

The Hon. J. D. Wright: That might raise the subject again.

Mr. MILLHOUSE: I will tread carefully. To bring my own thinking and arguments forward on this matter, so far as they can be arguments, up to date I should like to say one or two things. We all know and, I believe, accept that there are three elements in any penalty which is imposed for any crime: retribution, reformation and deterrence. Today, the element that is given most stress is reformation: it is the element on which we concentrate most. Retribution is stressed the least, and deterrence is somewhere in between. So far as these three elements are concerned, when we consider the crime of murder I believe that the supreme penalty, capital punishment, does have a deterrent effect. However, I cannot prove it—no-one can. I also believe that it could act as a deterrent in certain cases, and I went into that in 1959, pointing out some of the reformative effects as well.

Since we have started debating this topic there has been a great change in world society. When we first debated the matter in 1959, we concentrated entirely on what I would

call conventional crimes—crimes of passion, of greed and so on in our community: crimes committed by individuals or, at most, by individuals with accomplices—the normal sort of crime that was contained in our community. At that time, organised terrorism was something which was quite foreign to us and almost unknown in the Western world. We had the war, of course, which is quite different, but organised terrorism was unknown to us and was completely ignored in the debate, and rightly so, because it was not of much account, if of any account. The world, even South Australia, is now a very different place, and the atmosphere is very different now from the atmosphere of those days. I believe that that deterrent effect of capital punishment is much more important today than it was then because of terrorism.

I now refer to something that will perhaps strike a sympathetic chord in the mind of the Attorney-General. It is a matter of which he and I share much common ground. Just a week ago the first report of the Ranger Uranium Environmental Inquiry was released. Chapter 14 is headed "Nuclear theft and sabotage". Whilst I do not wish to follow the full argument regarding the dangers of terrorism and radio-active materials (which is the thrust of the chapter), I do wish to read a couple of paragraphs, especially to remind the Attorney (because he has probably already read them) about the problem of terrorism in our society. I do not mean that it happens so much here now but it could happen even in South Australia quite soon; it has happened already in other places. On page 151 the report states:

Activities of terrorist organisations include attempts to draw attention to a political cause, to gain an offensive capability, to attack politically sensitive targets, to precipitate civilian disruption, and to create blackmail situations. Nuclear power systems are obvious foci for such motives, being regarded variously by terrorist organisations as a symbol of national prestige, as a source of aggressive potential, and as being contrary to their ideological beliefs. The potential action which caused most concern at the inquiry was theft of nuclear material, especially plutonium, which could be used for weapons or as a radiological poison. Another threat was sabotage of nuclear plants causing destruction, a radiation hazard to surrounding populations and costly disruption of power systems. This category included terrorist occupancy of a nuclear power station—an event which has already occurred in Argentina.

A further paragraph states:

A terrorist organisation might stipulate some political objective as the "ransom" to be paid. It can be asked, for example, what the reaction of the U.S. or British Governments would be if a terrorist group threatened to explode a nuclear device in New York or London if, respectively, Israel did not withdraw entirely from the occupied territories so that a Palestinian State could be created, or British troops were not withdrawn from Northern Ireland to allow integration of the province with the Irish Republic.

They are perfectly feasible situations, alas, in the world today. What if the bluff of the terrorists were called and they in turn called the bluff of the Government and exploded a nuclear device in, say, Adelaide or Sydney, or wherever it may be and caused widespread loss of life and destruction? Say they were subsequently captured after a cold-blooded political crime: what would the opinion of anyone be then about the fate they should suffer? I cannot believe that even the most fervent abolitionist would say, "Poor fellows, they were motivated by the highest purpose in what they did, so we will lock them up for a few years and then let them go again." What would be the answer to that? I am sure it would be an overwhelming rejection of that point of view and an overwhelming demand for the execution of

persons who were willing to hold a community to ransom, either through the use of nuclear weapons or with conventional weapons.

By passing this Bill we are reducing drastically the deterrent effect of capital punishment and the threat of execution in such circumstances. It could be brought back for special cases, but that would be against all our principles with regard to retrospective legislation, and would mean, if we do not have any provision for capital punishment in such circumstances, (and they are now a real possibility), that we are weakening the discouragement against such action. I do not believe that we should do this. I believe that our world, alas, is becoming much less law-abiding (and I say our world) than it was a decade ago. It is much more lawless than it was even a decade ago, and I believe that things will get worse before they get better. If we do not retain capital punishment at least to cope with such a situation, we as a community are being extremely foolish.

This is entirely a new situation compared to the situation that obtained in 1959, when this matter was first debated. We are not living in the same world, and have little protection indeed against organised terrorism, either as the Ranger commission canvasses with the use of radio-active materials or even against aircraft hijacking, which God knows has happened often enough in the world with results that we know. Usually, the terrorists' bluff has been called, but not always. We have had the most appalling situations already with aircraft hijacking. One thinks of the terrorists' activities at the Munich Olympic Games, and so on.

If we pass the Bill, we are saying that in no circumstances (and not even those to which I have referred) should the penalty of capital punishment be inflicted. That is quite wrong, apart from all the other arguments that I and others have used previously. What is the alternative? In my opinion it is to leave the situation as it stands. I have had some experience, as I have said before, as a member of Executive Council in having to take the responsibility. We have not had an execution in this State since 1964. Since then there has been no sentence of capital punishment carried out, and there is no reason why the present Government while in office will carry it out, unless circumstances arise to which I have referred.

We are speaking of something theoretical: there will be no execution in South Australia unless something like that happens. I doubt whether a Government of another political complexion would sanction the death penalty. We did not do so when we were in office between 1968 and 1970, although there were a couple of cases that Executive Council had to consider. I was in favour of commutation in those cases, as was Cabinet, and that was the decision. As Attorney-General, I had the worst experience of having to make the preparations for the execution if that decision had been otherwise, and that is an unpleasant situation to be in and a heavy responsibility to have. I believe, however, that it should be taken. I do not agree with the member for Goyder that it is a responsibility that is too heavy for anyone: that is what we are there for, and someone has to take it, eventually.

I believe that that situation should be retained. If the crime is committed in respect of which we as a community believe that the death penalty is appropriate, it is there to use. I cannot conceive of that circumstance in the immediate future, but we would be foolish for the reasons I have given as well as for those given at other times, to do away with the death penalty altogether. If we do, as we probably will do, I believe that the trend will become the other way and we will be having similar debates

for its reintroduction. I respect the views of the Attorney-General and of other members who have spoken in favour of the Bill, but I should like to hear the Attorney-General reply to the specific matter that I raised, arising from the Ranger report. To me this is a new situation and a very powerful practical argument against the abolition of capital punishment.

The Hon. PETER DUNCAN (Attorney-General) moved:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Mr. McRAE (Playford): I do not intend to speak at length, but I have listened with respect to those who support the Bill and with particular respect to the Deputy Leader and the member for Mitcham. I listened with much interest to the member for Mitcham, because he is a member of the legal profession and I think he has shared with me the unpalatable duty of acting for people who were alleged to have committed murders and therefore, at least potentially, faced the death penalty. He has also undergone a duty that I have not undergone: preparing the papers necessary for a possible carrying out of the death penalty. I listened to what he said with the greatest respect. On each occasion that this Bill or a Bill similar to it has been debated, it has been obvious that the quality of the debate has been high, and I am pleased about that.

Emotion and ranting have not reigned: on the contrary, I believe that reason and common sense have prevailed. Quite apart from the sort of reasons against the use of the death penalty, those reasons of revulsion and bringing society down to the same level as the killer, there can surely be only one possible test for the retention or otherwise of the death penalty: its deterrent effect. Does the death penalty, as opposed to any other penalty, have that effect? Does it stop the crimes at which it is aimed: treason and murder? Studies throughout the English-speaking world at least have indicated overwhelmingly on objective evidence that it has no such deterrent effect.

Royal Commission after Royal Commission in Britain has come up with this conclusion and so have learned authors in the United States of America who have had the unique experience of being able to compare States that had capital punishment, withdrew it, and reintroduced it over a span of time. They have concluded that its deterrent effect was no greater than, for instance, a life penalty. The member for Kavel raised the para-military situation and the member for Mitcham raised the possible nuclear blackmail situation, so I will comment on each of those. I accept the sincerity and indeed the truthfulness of each member in raising those matters. It caused me great concern when I read of the para-military adventure to try to take the life of Princess Anne, to murder her in cold blood on the highway, using a military convoy, a large body of men, and military tactics. I thought to myself: can I maintain in all conscience my previous position, now knowing that this is a new development? Let us be honest.

As the member for Mitcham said, that sort of situation, the attempted murder of Princess Anne, was not something we would have contemplated five or 10 years ago. I debated this matter in my conscience and concluded that it would make absolutely no difference, because who were those people? They were members of a terrorist organisation known as the I.R.A. Does any honourable member really think that a member of the I.R.A. engaged in a para-military or military expedition would be persuaded one iota for or against whether the penalty was life

imprisonment or death? I do not believe that that is the case. I say to the member for Kavel that the song of the I.R.A. asks that the hero of the bloody revolution of 1916 be shot like an Irish soldier and not hung like a dog. They ask for execution, and I do not conscientiously believe that even in the para-military situation (which I grant is a new situation) would it achieve any more than in what I might term, horribly enough, the situation of ordinary civilian murders.

Mr. Goldsworthy: You then get increased violence.

Mr. McRAE: I believe as sincerely as I can, knowing the sort of organisation with which we are dealing, that the threat of martyrdom is something greater than they fear from the threat of life imprisonment or anything else.

Mr. Mathwin: You'd never get anyone to volunteer to be a spy, because of the penalty of being shot on sight.

Mr. McRAE: I cannot believe that that is so. I promised that I would be brief. I have not adverted to that situation, but I point out that professional spies would not be deterred by the death penalty or otherwise.

I turn now to the comments made by the member for Mitcham. He referred to the aircraft hijacker. I agree again that this new and horrifying problem (and, indeed, one distant member of my family was almost involved in such an accident) is definitely a blot on the international scene, but can one believe who would carry out these activities? They are terrorists of various types in the Middle East who represent political and military organisations, and I cannot believe that the death penalty or life imprisonment would have made any difference to the attitude of the Black September Movement in what it did in Munich. It was ghastly and frightening, but I do not believe that those people would have acted any differently had the punishment in the West German Republic been death. Indeed, on many occasions members will recall that these criminal hijackers have been prepared to commit suicide to highlight their cause. People who have a political, para-military, or military cause to espouse will not be deterred by the death penalty any more than would an ordinary civilian murderer. Indeed, they might look to the glory of execution, as in the I.R.A. song of 1916, in order to highlight their cause.

The other matter, without seeking to pre-empt the mover of the Bill, concerns nuclear blackmail. Anyone prepared to take that last dramatic step of nuclear blackmail, I believe, would not be deterred by any penalty, no matter how Draconian. As I understand it (and I confess that, unlike the member for Mitcham, although I conscientiously listened to the extract he read, I was not a party to the Ranger inquiry), in order to carry out such a venture it would have to be carefully, skilfully and militarily organised. It is not as though a lone fanatic would walk in and hold the world to ransom. Once we have that element of military organisation I do not believe that the death or any other penalty would solve anything. If that is the case, I can only say that that it is my own conscientious belief and always has been. I do not look down on anyone else who disagrees with that view, because various arguments could be put.

Finally, the third choice put by the member for Mitcham was, "Well, at the moment we are commuting the death penalty, so let us not make a decision one way or the other. We have a death penalty here, but we are commuting. We have commuted, both Liberal Governments and Labor Governments, since 1964 in the case of Vallance and since about the same time in the case of Ryan, in Victoria. Leave it on the Statute Book, in case some situation arises that might warrant the actual carrying out of the execution." That to me is the worst of all positions.

I could very much respect (I am speaking most respectfully) the attitude of the members for Kavel and Mitcham in regard to the para-military offences because they are saying this is a deterrent, therefore let us have the death penalty. I am afraid my own conscience does not respect the attitude of the person who says that we have a practice of commutation so we should just leave it there. How do you draw the line? The member for Mitcham has sat on Executive Council and other members on the front bench on this side have had to make decisions. Of course, the Labor Party has made a clear enunciation that commutation will be automatic.

Where do you draw the line? In Victoria why was Ryan the one out of 70 people sentenced to death who was hanged? Why was he any worse than Tait, who raped and murdered an 80-year-old helpless woman? That is a jackpot situation that is just not on.

Mr. Goldsworthy: You put it in the too-hard basket—that is your conclusion.

Mr. McRAE: No, I did not put it in the too-hard basket at all. I am sorry if in the course of my speech my tone has been elevated a trifle. I would like to end on the same moderate note with which I started. I believe there are only two choices—either abolish capital punishment or retain it. I do not believe in the system of keeping it on the Statute Book but relying on commutation. I do not believe that the third choice is a wise, proper or honourable choice.

Mr. Goldsworthy: Even those in favour of it have to make that choice unless you are going to hang them all.

Mr. McRAE: I am saying there should be no capital punishment. I believe I have covered the ground that ought to be covered and I respect the views of members who take a different view but I believe the case before the House today for abolition of capital punishment is overwhelming. I will be proud to see the day when the vote is carried in this House and hopefully in the other place and this blight on our State will be removed from our Statute Book.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I rise briefly to support this Bill. I believe that it is clear it will pass this House and I hope on this occasion at last it will pass the other House as it should have done long ago. I have been long associated with moves in this Parliament over a period of more than 20 years in attempts to remove the provisions of capital punishment from the Statute Books of this State. I believe with my strongest convictions that it is utterly wrong for this State to impose capital punishment.

There have been many arguments adduced about this, but I believe that there are two which should suffice. The first is that capital punishment to be imposed could only be justified on the ground that we are protecting lives by imposing it. There is no justification for an individual or the State to take a life except in protection of another life or lives. Therefore, if capital punishment is to be imposed it must be shown to be a uniquely effective deterrent, a deterrent far more effective than any other. All the statistics show quite clearly that that cannot be proven at all.

The statistics show quite clearly that the incidence of capital punishment varies with social conditions and changes in social conditions and bears no relationship whatever to the incidence of capital crimes—change in social conditions, or change with variations in social conditions in a particular place. I do not need to go through the statistics that have been cited in this House over the years on this score. The

findings of commission after commission on capital punishment have made clear that this is the undoubted message of the statistics. It simply cannot be shown by anyone that capital punishment is a uniquely effective deterrent.

In my view, the State, by imposing capital punishment in those circumstances, is as guilty of murder as are the people whom it seeks to punish; that is the first ground of my objection. The second ground is that, while we have to have courts and while they must for the running of our State come to conclusions which we must abide by, these courts' conclusions have been shown on many occasions to be wrong. After all, justice depends on human beings, and human beings err. There is not a single lawyer whom I have ever met who has not been able to cite cases where he believes a court came to a wrong conclusion on something. There have been many proven cases of the courts' having been wrong over capital crimes. I do not need to cite them; they have been cited here on many previous occasions.

Human justice is not so good, so sure, or so effective, that anyone's life should hang on it. In the cases of people who have been hanged and afterwards have been proved to be innocent (and that has happened both in Australia and in England) it is pretty poor, cold comfort to their ghost afterwards to be vindicated. On those two grounds alone, I believe the imposition of capital punishment is clearly wrong. There are those in the community who would argue that there is some element of society's retribution in this form of punishment. Frankly, I reject that argument utterly; that is not the purpose of punishment in society. Punishment has two purposes alone—deterrence and reformation.

In the case of capital punishment, reformation cannot easily occur—at any rate, certainly not on this earth. It can only be argued that capital punishment is a deterrent, but I believe that it has been clearly shown not to be a more effective deterrent than is life imprisonment, which is what is imposed in this State; it is the alternative. I know that in certain circumstances some people get released after a period of incarceration. However, some people serve very long periods indeed in prison.

Mr. Goldsworthy: About 11 years on average.

The Hon. D. A. DUNSTAN: The average is brought down by the circumstances of some quite unusual cases. If we take the cases where the circumstances were not exceptional, we find that the average is decidedly longer than 11 years. In these circumstances I believe that it is not necessary for me to say any more. On the occasion of a capital punishment Bill passing this House, as I hope it will pass in this Parliament, I could not forbear to add a few words of the things I have said in this House over the last 23 years.

Mr. RUSSACK (Gouger): I consider this to be a most serious matter. I am possibly in a difficult situation. I recall that in 1971, when I was in another place when such a matter was considered, I spent the most sleepless night I have ever spent since I became a member of Parliament. I spent that sleepless night because of this very matter. I do not want this afternoon to participate in an involved argument. Many arguments have been brought forward on both sides. In our society today, with premeditated crime, I believe that there can be a deterrent.

I am also concerned about the situation of drug pushers who, while their lives can be preserved, can be responsible for the deaths of many people. There are other crimes I could mention which have been mentioned this afternoon. I have, in all earnestness, endeavoured to come to a

correct decision on this serious matter. I recently had a conversation with a person of excellent standing in the community, of advanced years, who has had considerable experience as a chaplain in a prison. He has come into contact with those who have been accused, tried and convicted of murder.

When I approached him about this question he said that because of his association with men who have committed such a crime, and because he had become personally acquainted with them, he therefore accepted them as human beings. He said he felt an amount of sentimentality for these people and that therefore his heart said "no" because of this, but his head said "yes". He said that these men realise life is a precious thing and, because of that, capital punishment should be retained, because these people would be deterred from committing a premeditated crime if it were.

We all agree that it is up to the court and the judge to prescribe punishment and up to the Executive Council to decide what happens to that person. Although I am not as rigid about this matter as I was in 1971, when I had to vote about it, I believe, after serious deliberation and because of my inquiries, that capital punishment should be retained. I think this sincerely, bearing in mind what the Premier said this afternoon, that there are two things to be considered: deterrence and reformation. I see in capital punishment a deterrent to those who would commit a premeditated crime.

The member for Playford (and I respect his and all views that have been expressed about this matter) said that if capital punishment is retained it is the worst of all positions. I cannot accept that and, in view of what I have said, I oppose the Bill.

Mr. ALLISON (Mount Gambier): Having heard the Premier's remarks, I think that he has done a great disservice to the judicial system in South Australia by declaring that justice has two ends; deterrence and reformation. I believe that punishment does have a considerable place in justice. There are crimes that are still so heinous that they merit the death penalty.

The member for Playford referred to extremists, who would not be deterred; but surely they can be punished. We should consider that, being extremists, as the member for Playford has said, they have accepted fully the risk in what they do and they, let us bear in mind, are not only prepared but affirm that they are there to take life, to make their point. They have accepted the risk in that. They realise that they are liable to have their own lives taken in punishment. I wonder how many members of this House would like to be the subsequent victims of a terrorist who had been detected, apprehended, convicted, imprisoned, and subsequently freed by colleagues who might have used hijacking terrorism to get him out.

The member for Playford stated that, with that sort of aim in life, the aim of terrorism and pressing a point, often a minority point of view, that person is liable to repeat his killing; in fact, it is often his avowed intention to do that. That is one, but not the only, reason why we should retain the death penalty. There must be situations where even if we do not have a civil executioner, perhaps we could have a military criminal court with military executioners.

The crimes that I particularly fear in this community (and my Christian conscience tells me I should be voting in favour of this legislation but my more realistic approach tells me that I should not) include the crimes of assassination, the abduction of children for extortion purposes,

leading to their subsequent deaths, terrorism, treason, the murder of policemen in the lawful execution of their duty, the bashing and robbing of defenceless elderly folk, leading to their deaths; and the not infrequent, proven, evil, vicious, and brutal crimes, premeditated murders involving tortures and the disembodiment of people while they are still alive, such as the Wray brothers in Britain, who were detected and imprisoned; George Neville Heath; Christie, of 10 Rillington Place; and Brady and Myra Hindley, who were mentioned by a colleague on this side. Their crimes are beyond doubt: they have been proven, they have been imprisoned and in some cases they were executed.

In one case a young man associated with Christie was exonerated from the crime (alas, too late, after he had been hanged) but there is still an element of doubt about one of the murders that that young man committed. Admittedly, that is a good reason for abolishing the death penalty, but in cases where there would seem to be absolutely no reasonable doubt, there is a strong reason for maintaining the penalty. We may not use it (the climate generally throughout the Western World seems to be against using the death penalty) but currently the climate is also such that we tend to be moving towards too much leniency, and the Premier set the seal on that move this evening when he said that punishment was not within his concept of justice. We have deterrence or reformation. If we are not going to punish, the courts in South Australia will immediately take the lead and say, "Well, why worry?"

If we do retain the death penalty, which we may use only in extreme cases, at least we are indicating to the public that we are extremely concerned ourselves about murder, about the taking of life. We show that we still think that the taking of life is a matter of public concern. We could also have the case where criminals who would formerly have pleaded guilty but insane in order to get a life sentence may now prefer to plead simply guilty, knowing that the plea of insanity would give them an even longer sentence and knowing that they would be incarcerated and less likely to be released, whereas, if they plead simply guilty and conceal that trace of insanity, next year there is every chance that they would get an early remission. I realise that we must appoint someone to be the executioner and that it may have to be a military court.

My sympathies lie with the person who is appointed rather than with the people who have committed these heinous crimes and who may be permitted to kill again, as the member for Playford so aptly stated. This legislation certainly has considerable merit but, equally, it is a step along the road to showing people that we care less about justice and that we are taking a more lenient point of view towards crime of all kinds. If we cannot set a standard for the most serious crime of all—the capital crime—lesser crimes will become even less important in people's minds. This legislation should not be passed when our Police Force is already registering frustration at the lenient sentences that are being imposed on criminals whom they apprehend. I oppose the Bill for those reasons.

Mr. MATHWIN (Glenelg): I oppose the Bill, and that probably comes as no surprise to members opposite. Likewise, I am not not surprised that they support the Bill, because we all know that, as far as the Labor Party is concerned, this is not a conscience vote but a Party vote according to the Labor Party platform. All members opposite who have spoken on this measure have supported it, but those of us who have spoken on this side have been

on both sides of the fence. Item 1 on page 50 of the Labor Party platform headed "Legal and Prison Reform" deals with the abolition of capital punishment and flogging. For the Labor Party, this is not a conscience vote but a forced vote, because, if Labor members do not support the Bill, they break the pledge that they signed when they entered this House as members of the Labor Party and they will lose their preselection. We on this side believe that it is a conscience vote, and our members are allowed to vote as they wish.

I appreciate the manner in which the Attorney-General introduced the measure. I also appreciate the way his script writer wrote it for him. The people of this State are losing faith in the protection that this Government is giving them. It is the Government's duty to protect the people of South Australia; they should be protected and feel safe. They will feel safe only when the Government is on their side and offers to the Police Force protection and encouragement. The member for Mount Gambier has referred to the light sentences that have been imposed in South Australia by our courts. Social workers and the Community Welfare Department can seek to reduce those penalties even further, and this makes it easier for offenders. This practice must not continue. The people of this State are entitled to the protection that the Government should give them. Some members have said that capital punishment does not deter crime. I pose the following question to members opposite and to some of my colleagues: "Why is it that all criminals who receive the death penalty ask for the sentence to be commuted to life imprisonment?" They all wish to get away with life imprisonment, yet some members have said that a life sentence is far worse than hanging. I should like the Attorney or any other member to tell me what "life" imprisonment means, because the period persons imprisoned for life actually serve varies between seven years and 11 years. I understand that the usual period is 11 years. Max Stuart has been allowed out of gaol, and he has been taken back twice. He was given a life sentence for his crime, and doubtless the member for Eyre will mention that matter. If the period he served was a life sentence, I will go he!

Life imprisonment does not deter crime. I understand that the biggest influences on people are respect, love, and fear, and the most valuable possession that one has is life. That is indisputable. If anyone wishes to take away the greatest thing that a person has, he takes away the person's life. No-one has proved to me that the death penalty is not a deterrent.

The Hon. D. J. Hopgood: What about the other way around?

Mr. MATHWIN: The argument applies both ways, and we know how the Minister of Education voted in 1970. However, no-one can prove that the death penalty is not a deterrent. Can any member opposite prove to me how many people are not on Death Row because of the deterrent effect of the death penalty? How many people have been deterred on this basis? "Life" imprisonment does not exist. Punishment is imposed because of something that someone has done: the law does not punish for something that a person has not done.

Some members on this side are supporting the Bill, although no members opposite are not supporting it. Not one member who is supporting the Bill has suggested an effective deterrent or that there is a deterrent in life imprisonment. We deal probably with the worst aspect in this matter, and one must mention terrorists and mercenaries, who act as killers and prefer themselves as such. The paranoid fanatic who would not be deterred is a rare bird.

The member for Playford spoke sincerely about the terrible situation in Ireland. I refer to the sneaky methods of people knocking on doors and, when they are opened, the people inside are blasted to eternity. In Birmingham, in the United Kingdom, there was a series of bombings that killed innocent women and children: they were premeditated crimes, yet in his argument the honourable member said that these people were fanatics. Perhaps they are, but he said that this should not make any difference to the death penalty.

I tried to make the honourable member equate that situation with that of volunteers for the job of spying. Many hundreds of people were equipped to do this job, but would not do it because they knew that if a spy were caught in civilian clothing he would be shot on sight without trial. That was enough to stop them from volunteering to do the job, and for no other reason. Terrorists have taken many people as hostages, who could have been shot at any time. It has happened in the Middle East, and no doubt could spread to anywhere in the world, because no-one is safe in this respect. Terrorists equip themselves to kill, and that is what it is all about. Recently in Cyprus the death penalty for terrorist activity was removed, but that did not reduce the number of acts of terrorism that occurred. Indeed, a Colonel Sampson was reprieved, but since then he has caused many lives to be lost by terrorist action.

We are familiar with the problems in the Middle East, and the situation of the Israeli people. In that country no capital punishment is provided in the legislation, but we know of the manner by which they even the score. I am sure that everyone applauded them for their surprise raid in Uganda, when they rescued many hostages. Although under their legislation capital punishment does not exist, we know that the punishment for a crime of terrorism is an eye for an eye and a tooth for a tooth.

It seems that members who favour the Bill seems to have more sympathy for offenders than they have for the victim and the bereaved family of the victim. I believe that there is proof of the importance of the death penalty as a deterrent, and that capital punishment should be retained on the Statute Book. It should be used, if the need arises, as a punishment to fit the crime. If members who support this Bill were able to visit the scene of major crimes to see the results of those crimes, I am sure they would change their minds about their support for the measure. The member for Stuart has said that capital punishment brutalises life.

Mr. Keneally: It brutalises society.

Mr. MATHWIN: The honourable member must also agree that murder cheapens human life. The death penalty as we know it is rarely used, and that is a good argument for its retention. Criminals sentenced to the death penalty are executed only in exceptional circumstances, and I refer to premeditated murder, terrorism and similar crimes.

I refer to the cost to the community of crime. Although I have not undertaken an investigation into this aspect, 67 per cent of the cost of the Police Force is spent on criminal investigations. It could be assumed conservatively that about 90 per cent of the cost of prisons is expended in relation to criminal activity. What is the cost to the community of probation facilities in relation to such crime? What is the cost to the community of the administration of justice, including the administration of courts? If all these costs are added together, one finds that a huge sum is involved at the expense of the State in relation to criminal activities. If capital punishment is abolished and removed from the Statute Book, that punishment would no longer be available to the community for use. If that punishment is required, it will no longer be

available. That is a major problem. Capital punishment has not been used since 1964. As it has not been used since then, what harm would it do to leave it on the Statute Book? I oppose the Bill.

Mr. BLACKER (Flinders): I have not had the opportunity to speak on any similar Bill previously. As I support the retention of capital punishment, I oppose the Bill, not because I believe that we should take anyone's life for a wrongdoing or punish a serious crime but, because of the changing circumstances in society, I believe that the requirement for this measure will come in the future. I do not criticise previous Governments for commuting the death penalty to life imprisonment, because I believe that in today's society that is the correct and proper thing to do, but we should maintain it for serious crimes in the future.

We do not know what to expect in the future, for example, in aircraft hijacking, when many people may be killed. This, to my mind, requires the supreme penalty. If someone happened to throw a bomb in this Chamber, that, to me, would be a crime deserving of the most serious penalty. It has been suggested that Guy Fawkes was the only man who entered Parliament with honest intentions. I do not necessarily agree with that, but it brings to mind the seriousness of the implications.

The nuclear theft aspect has also been referred to in the debate. I will not quote what the member for Mitcham has quoted but I will continue the quote, as follows:

Organised crime has demonstrated a high degree of organisational and technical competence, especially in the U.S.A., for theft involving complex technological systems. Evidence was given to support the view that organised criminal intervention was a likelihood should the financial rewards be sufficiently great. Some envisaged a nuclear "black market" where contracts were placed by, say, terrorist groups with criminal organisations for theft of nuclear materials or plant. A Commissioner of the U.S. Atomic Energy Commission has stated that the development of a blackmarket in plutonium is likely.

These are the types of crime for which I believe the death penalty should be used, and it is for that reason that I oppose the Bill. Mention has been made of the fact that other countries are trying to reintroduce the death penalty. It is because crimes of this nature have not yet been experienced in this State that we must keep this penalty on the Statute Book should the need for it arise. I think it would be wrong to remove it from the Statute Book in today's circumstances: in the event of future circumstances arising, we should retain it. I oppose the Bill.

Mr. GUNN (Eyre): I will make only a brief contribution to this debate, because this is not the first time on which I have spoken on this subject. I must come out in favour of retaining capital punishment. I believe that it is not a form of punishment that should be carried out on many occasions, but there is a place for this form of punishment on the Statute Book. I have listened intently to members who have supported abolishing capital punishment, and I ask them to consider whether they believe it would have been right to let Adolph Eichmann off with life imprisonment after the crimes he had committed against the Jews. Were the Israelis wrong when they hanged Adolph Eichmann? Of course they were not wrong. Does anyone believe that the sentences passed on Goering and others were wrong, after the crimes they had committed against humanity? What about the Palestine Liberation Organisation, a notorious group of political gangsters?

Mr. Keneally: Had the Germans won they would have executed Roosevelt, Churchill and everyone else on the same grounds.

Mr. GUNN: That interjection is not worth answering. What about people who, without considering the welfare and lives of innocent people, hijack and blow up aeroplanes? If they get away with it once, they do not hesitate to carry out such ghastly crimes again and again. Some of the people who hijacked the French aeroplane and took it to Entebbe airfield in Uganda were involved in murdering the Belgian Ambassador in Khartoum. If they had escaped, they would have carried out such activities again. Should they not pay the supreme sacrifice? I believe they should. One could quote case after case. Some people have not properly considered the deterrent that is provided to those who may contemplate such a course of action.

One particular case was completely taken out of context. Emotions always run high when we discuss this subject. A vicious crime was committed in my district when a little girl was viciously assaulted and murdered on the Ceduna beach. Those people who are now in Government and who prevented the guilty person from being dealt with according to the law at that time have a heavy responsibility to bear. It was a ghastly crime. When the Premier was at Ceduna the other day, as he drove over the railway line going to Thevenard, did he look at the gates of the Ceduna cemetery and wonder why they were built? I could quote many other cases. On this occasion I entirely agree with the member for Mitcham, and it is not often that I do that nowadays. It will be a retrograde step if this Bill is passed. I have given this matter much consideration. Capital punishment should remain on the Statute Book because there are occasions when it should be imposed. Our society has reached the stage when some people have little regard for the victims of vicious crimes, and they have little regard for the deterrent effect of capital punishment. People who are paid to murder should receive what they mete out. I therefore strongly oppose the Bill.

Mrs. BYRNE (Tea Tree Gully): I support the Bill. I do not want to reiterate in detail what I have said previously on this subject, and will make two points only. I refer to the effect of a murder and the carrying out of the death penalty on the lives of innocent people, particularly the relatives of the murderer. I can recall that, when I was much younger, there was an example of the effect of this type of happening on the children of the murderer, who was executed. I now refer to the situation in which the appointed executioner is placed.

The SPEAKER: Order! Could the three honourable members on my immediate left take their seats, please?

Mrs. BYRNE: The appointed executioner has to carry out the death penalty according to the law. I do not believe that any person should be placed in this position, even within the law. I do not know how an executioner is appointed, but one thing is sure: no person does this job by choice. Imagine how the executioner would feel if it was later found that the person who had been executed was, in fact, innocent. We all know that this sort of thing has occurred in the past. I therefore support the Bill.

Mr. CHAPMAN secured the adjournment of the debate.

ADJOURNMENT

At 5.53 p.m. the House adjourned until Tuesday, November 9, at 2 p.m.