LEGISLATIVE COUNCIL

Tuesday, February 23, 1971

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

RURAL RECONSTRUCTION SCHEME

The Hon. C. R. STORY: I seek leave to make a short statement prior to asking a question of the Minister of Lands.

Leave granted.

The Hon. C. R. STORY: The Minister of Lands has made several statements recently regarding the rural reconstruction scheme. I was very interested to see that this State had accepted the conditions under which the scheme was launched. Can the Minister say when the public will be given the actual details of the scheme? Is it visualized that these details will be available soon?

The Hon. A. F. KNEEBONE: I had expected a question on this subject. In fact, had no question been asked I intended to make a statement on the matter. As the Hon. Mr. Story has asked a question, I will give the information now.

The PRESIDENT: Does the Minister seek leave to make a statement?

The Hon. A. F. KNEEBONE: The honourable member has asked a question, Mr. President.

The PRESIDENT: The Minister can give his reply.

The Hon. A. F. KNEEBONE: As I believed that honourable members would ask for information on this matter, I have had prepared a statement which sets out such details of the proposed Commonwealth Rural Reconstruction Scheme as are available. Honourable members will be aware that in the latter half of last year the Minister for Primary Industry of the Commonwealth asked the Bureau of Agricultural Economics to investigate and to report on the immediate and longer term needs for debt reconstruction and farm adjustment of the sheep and wheat sheep industry. The bureau, in the short time available to it, made inquiries in the various States and undertook some detailed investigation in Queensland. The report, which was submitted late last year, is, of necessity, of a preliminary nature, but from the examination which was made the following conclusions were reached:

1. Many of these industries are experiencing considerably reduced incomes but with the ending of drought in some States and provided some improvement in wool prices eventuated more than half of the industry would be in a sound economic position.
2. At least a third of the industries are facing significant economic and/or financial problems.
3. Many wool producers have already reached, or are close to, insolvency.
4. The causes of the difficulties are both long term and short term; the short-term factors—recent falls in wool prices and prolonged droughts—have shown up structural weaknesses in the industry; wheat quotas, themselves a reflection of longer-term developments, have similarly brought about financial pressures which, for some, are extreme.
5. The longer-term factors affecting the sheep industry, that is, increasing market difficulties and continued increases in domestic costs associated with economic development, are operating to a greater or lesser degree in the agriculture sector generally.
6. Unless the withdrawal of resources, particularly labour, from the sheep and other agricultural industries proceeds at a faster rate than in the past, the profitability of these resources will continue to decline.
7. Too many producers are attempting to earn an income in the sheep industry and in agriculture generally in the present situation; this situation would be likely to become more evident in the years ahead.
8. There is a need for an integrated series of policy measures to facilitate more rapid adjustment of the sheep and other agricultural industries to changes in the environment.
9. (1) There is a need for some rearrangement over long terms of debts of producers whose economic situation is basically sound but who are facing financial difficulties.

   (2) There is a need for long-term credit facility for agriculture, as access to capital will become an increasing problem and, particularly, as it is necessary to

facilitate the enlargement of farm enterprises. The problem of farm finance is much more one of length of term of repayment periods than of interest rates.

The report, of which the foregoing is a synopsis of the main recommendations, formed the basis of discussion at a conference of Ministers and subsequent meetings of officers in December, 1970, and January, 1971. At these meetings it was agreed that a programme of rural reconstruction was an urgent necessity and general details of the operation of the scheme were worked out and agreed. At the last conference of officers the States indicated that they were prepared to recommend to the Ministers that the States would operate the scheme on an agency basis, the Commonwealth to provide the funds, the States to provide the physical administration of the scheme, and the Commonwealth to accept the liability for any losses that might occur.

At a subsequent conference of Ministers the Commonwealth refused to consider such an arrangement and offered to lend the States over a period of four years $100,000,000 at 3 per cent interest repayable in 20 years to initiate a scheme of rural reconstruction. It was a condition of the offer that at least half the funds be devoted to farm build-up and carry-on finance and the other proportion applied to debt reconstruction and carry-on. Carry-on finance would be available both for cases of farm build-up and for debt reconstruction.

The offer made by the Commonwealth was not acceptable to the States and, after further discussion, the Commonwealth amended its proposal to provide $75,000,000 at 6 per cent interest repayable in 20 years and $25,000,000 as a grant. The States reluctantly accepted the amended offer, as it results in a slightly more favourable repayment situation as between the States and the Commonwealth. A further condition of the offer was that the States lend the money to farmers at a rate of interest that would return a minimum rate of 4 per cent for debt reconstruction and carry-on finance and at a minimum rate of 6¼ per cent for farm build-up and carry-on finance. Under the first proposal the States would repay the Commonwealth over a period of 20 years a total amount of principal and interest of $134,400,000. On the alternative basis of part loan part grant the States would repay to the Commonwealth over the same term $130,800,000.

If the States are able to lend moneys to farmers under the interest rates and conditions prescribed the States could expect to recover $137,400,000. However, to achieve this situation it is apparent that the States will have to pursue a careful and conservative policy in the lending of funds for either of the purposes of the scheme. This State will receive $12,000,000 as its share of the proposed $100,000,000. It is, I believe, clear that it will be necessary to make an economic assessment of every applicant to determine prospects of long-term viability, which is an inherent condition of the scheme. The general principles of the scheme set out that no agricultural industry is to be excluded from it (except farm build-up under the Marginal Dairy Farms Reconstruction Scheme) but it has, however, been framed with the circumstances of the sheep and wheat sheep industries primarily in mind. The available resources are to be distributed as widely as practicable, the overriding object being to help restore economic viability to those farms and farmers with the capacity to maintain economic viability once it has been achieved.

For debt reconstruction the purpose will be to assist farmers who, although having sound prospects of long-term commercial viability, have used all their cash and credit resources and cannot meet financial commitments. Tests of eligibility will be applied and these, in general, will be:

(1) An applicant is unable to obtain finance to carry on from normal services.

(2) He has a reasonable prospect of successful operation with the assistance possible under the scheme, the prime requirement being ability to service commitments and to reach the stage of commercial viability within a reasonable time.

(3) Assistance is merited and the applicant's difficulties are not substantially due to circumstances within his control.

Details of the nature of assistance have yet to be worked out but these could include the rearrangement and/or composition of debts to allow more time for payment, negotiations regarding rates of interest, and advances of additional funds for carry-on expenses. It will be a condition of assistance that fairly close supervision of property management is undertaken. The administering authority will have discretion to determine the terms and conditions of any loan it may make and flexibility in administering the scheme.

For farm build-up the purpose will be to supplement the normal processes under which properties too small to be economic may be amalgamated with adjoining holdings or subdivided and the subdivided portions added to

adjoining holdings. The object will be to assist a farmer with a property too small to be economic, but which is reasonably viable, to purchase additional land to build up his property to at least an economic size. There will be certain tests of eligibility for farm build-up, among which will be one that a purchaser is unable to obtain finance for the purpose from any other source. Some provision will be made for the writing off of redundant improvements in farm build-up operations, and advances for carry-on expenses, plant, livestock, etc. may be made available if funds cannot be obtained from other sources.

Properties will not be purchased at random simply because they are uneconomic and the farmer intends to leave the industry; normally a property will be purchased only where arrangements have been made for an adjoining owner to take over the property or for a property to be subdivided and added to adjoining properties. Additional provisions to be made in the scheme will include arrangements for the retraining of farmers leaving their properties through existing courses and existing educational institutions. Details of this particular proposal have yet to be finally worked out.

Provision will also be made for small loans to be made to farmers leaving their properties where their circumstances indicate that this is necessary. It is proposed that the operation of the scheme be reviewed in the light of experience and, in particular, there will be a review not later than the time necessary to make any adjustments that may be agreed to be necessary to operate from July 1, 1972, in (*a*) the funds provided for the scheme, (*b*) the allocation of funds between the States, and (*c*) the provisions for losses (other than unforeseen losses) and write-offs available to the States under the arrangements between the Commonwealth and the States.

I have asked for, and the Commonwealth has agreed to, an earlier review if experience in the operation of the scheme shows this to be necessary. I have set out in the foregoing statement general details of the scheme. The Commonwealth will provide the whole of the funds and will expect these to be repaid to it over a period of 20 years at interest. The States will bear the full cost of the physical administration of the scheme, which is likely to be substantial. At this stage, although I expect there will be a considerable number of applications, there is no information available from any source to give a reliable estimate of the extent of the problem or of the administrative task which will be involved.

This State has agreed, with some misgivings, to accept and to implement the scheme and we are now waiting for the Commonwealth to prepare an agreement which will form the basis of legislation which I hope to submit to Parliament later in this session. If the agreement is prepared and legislation can be considered and passed in this session, I hope to commence the scheme during April of this year and, in the meantime, my officers are undertaking the preliminary work to enable this objective to be achieved.

INSECTICIDES

The Hon. JESSIE COOPER: In view of the fact, recently brought to notice by the press, that many people have been poisoned and many are still being poisoned by the use and misuse of insecticides that are either unnecessarily powerful or used on fruit and vegetables too close to picking time, can the Minister of Agriculture say whether the Government intends to take urgent action to rectify the situation?

The Hon. T. M. CASEY: I am not aware of any fatal poisonings that have occurred on this score, but I will take up the matter with the horticultural branch and bring down a report for the honourable member.

RECLAIMED WATER

The Hon. M. B. DAWKINS: I seek leave to make a statement prior to asking a question.

Leave granted.

The Hon. M. B. DAWKINS: I am aware that the possibility of using reclaimed water has been investigated for some time and that questions have previously been asked on the matter. However, since some time has elapsed since a report was last made and as further restrictions may be imposed on market gardeners in the use of underground water, time seems to be running out for them in the Virginia area. If market gardening in that area collapses there will be considerable increases in the prices of vegetables. Consequently, can the Minister of Agriculture say what progress has been made towards reticulating reclaimed water for the irrigation of certain types of vegetable in those areas of Virginia where there is heavy consumption of water?

The Hon. T. M. CASEY: I will refer the honourable member's question to the Minister of Works and bring down a report as soon as possible.

CEDUNA COURTHOUSE

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. A. M. WHYTE: Over the last two or three years several requests have been made in this Council and in another place regarding the building of a courthouse and police barracks at Ceduna. I believe that this work has been approved by the Public Works Committee. Can the Chief Secretary say when the work will commence or, if he does not know, will he get that information?

The Hon. A. J. SHARD: To the best of my knowledge the matter is still before the Public Works Committee. I understand that that committee visited Port Lincoln and Ceduna only two or three weeks ago to inspect the gaols and courthouses there. If the committee has submitted a report I do not know what priority the work has been given, but I will find out for the honourable member.

CHAMBERS CREEK

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. C. M. HILL: I have received representations from the Barmera District Council concerning a grave fear of the council about the possibility of a regulator being built across Chambers Creek near the mouth of Lake Bonney. The council believes that such an installation would halt the regular flow into the lake, adversely affect irrigators who need fresh water, increase salinity in the lake, with all its ruinous consequences, prevent tourist development through obstructing free passage of pleasure craft, reduce fish breeding in the lake, and result in other adverse consequences. I ask three questions: is it proposed to build such a regulator; if so, has the Minister given full consideration to the representations from the council; if he has done this, will he provide me with answers to all the points raised by the council in correspondence forwarded to him earlier this year?

The Hon. T. M. CASEY: I will refer the questions to my colleague and bring back a reply as soon as possible.

NATIONAL SERVICEMEN

The Hon. G. J. GILFILLAN: I seek leave to make a statement before asking a question.

Leave granted.

The Hon. G. J. GILFILLAN: My question is directed to the Minister representing the Minister of Housing, and could involve the Minister of Repatriation, too. It relates to the problems of National Servicemen who, before their discharge from the Army, and through no fault of their own, have not seen service overseas. Many of them have spent two years away from their employment and have not established a salary or earnings pattern, and on their discharge from the Army they are of an age when they wish to marry. I have inquired from all sources, and I find there is no form of assistance available to these young men apart from the normal State lending authorities, which have very long waiting lists. Will the Government take up this matter—perhaps with the Commonwealth authorities, too—to see whether some assistance cannot be given in the rehabilitation of these young men?

The Hon. A. J. SHARD: I will be pleased to take up this matter with the Ministers concerned and bring back a reply as soon as possible.

PARLIAMENT HOUSE

The Hon. R. C. DeGARIS: In view of the Premier's announcement that the $3,000,000 proposed extensions to Parliament House will not proceed, can the Chief Secretary inform me whether the reference has been withdrawn from the Public Works Committee?

The Hon. A. J. SHARD: I am unable to reply at the moment, but I will obtain the information for the honourable member.

MOTOR RACING AT VIRGINIA

The Hon. L. R. HART: I seek leave to make a statement before directing a question to the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. L. R. HART: On December 17 last an article appeared on page 1 of the *Advertiser* announcing that a motor racing circuit would be established south of Virginia. Mr. Keith Williams, a promoter from Surfers Paradise, has been instrumental in setting this project in motion. I understand that an indirect service has been granted from the main at Virginia, a distance of about one and a half miles, to supply water for the racing circuit. At the moment only people directly on the main can be granted a service, and even those are on a restricted flow of five gallons a minute. A number of applications for indirect service have been made by people living adjacent to the township of Virginia,

and these have been refused. Is it a fact that the promoter of this motor racing circuit has been granted an indirect service for water from the Virginia main? If it is, on what basis was the indirect service granted?

The Hon. T. M. CASEY: I will refer the question to the Minister of Works and bring back a reply as soon as it is available.

YORKETOWN HIGH SCHOOL

The Hon. M. B. DAWKINS: I ask leave to make a short statement prior to asking a question of the Minister representing the Minister of Education.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the proposed new high school at Yorketown and the unfortunate postponement of that project. Some two or three years ago it was announced that a new high school at Yorketown would be available in 1971. I understand that the secretary of the present area school committee received from the Minister an indication that plans would be referred to the Public Works Committee very shortly and that the expected date of occupation was now 1973. In view of the very long delay that has occurred in regard to this much needed high school, the occupation date for which was set originally at 1971, and also the very great difficulties under which the present area school operates (my colleagues and I have visited the school and have seen the conditions there), will the Minister ask his colleague whether the construction of this high school can be speeded up so that it will be available earlier than the latest suggested date?

The Hon. T. M. CASEY: I will refer the question to the Minister of Education and bring back a reply as soon as it is available.

CHRISTIES BEACH HIGH SCHOOL

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Minister of Lands representing the Minister of Roads and Transport.

Leave granted.

The Hon. C. M. HILL: At the Christies Beach High School there are, I understand, two main buildings about half a mile apart and each one fronts Beach Road. I believe that this is one of the largest schools in the State, and that this year about 400 first-year students were enrolled. This is due, of course, to the vast residential development in that region. Buses bring a great number of people to the school. I believe that, in addition, some hundreds cycle to school and others walk from their homes. A dangerous situation has arisen in that there is no safety crossing at present for students crossing and using Beach Road. I have been told that already this year there has been one serious accident, in which a child suffered a fractured shoulder. I understand that strenuous efforts are being made by the headmaster and others to secure a safety crossing for those at the school. The delay in providing such a facility is causing grave concern. Will the Minister make immediate endeavours to investigate this problem and have a safety crossing installed?

The Hon. A. F. KNEEBONE: I will refer the honourable member's question to my colleague and see what can be done.

FISHERIES BILL

The Hon. C. R. STORY: Is the Minister of Agriculture yet in a position to tell the Council when he will introduce a new Fisheries Bill?

The Hon. T. M. CASEY: I must apologize for the delay in introducing this Bill, which I told the honourable member would be introduced almost immediately the sitting of the Council resumed. Certain delays have occurred and I have to consult with the Parliamentary Draftsman on one or two matters. I hope that the Bill will be introduced at the end of next week.

ABALONE

The Hon. L. R. HART: On December 3 last I asked the Minister of Agriculture a question relating to abalone fishing. At that stage the Minister said that if I supplied him with the names of the people concerned he would be happy to take up the matter. Can the Minister now reply to my question?

The Hon. T. M. CASEY: No, but I will see that an answer is forthcoming for the honourable member as soon as possible.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Andamooka Rural School (Replacement),
Arbury Park Camp School,
Christies East Primary School,
Coober Pedy Rural School (Replacement),
Enfield Primary and Infants School (Replacement),
Metropolitan Abattoirs—Burford Gardens Sewerage Scheme,

Murray Bridge Water Supply (Improvements),
North Ingle Primary School,
Port Lincoln Bulk Loading Facility,
Streaky Bay Area School (Replacement),
Tumby Bay Area School (Replacement),
Whyalla West Technical High School.

AIRCRAFT OFFENCES BILL

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

Honourable members will be aware that recently there has been an increase in the number of offences involving aircraft. Not infrequently the commission of these offences has placed the lives of entirely innocent persons at risk. In 1963 the Commonwealth Parliament enacted the Crimes (Aircraft) Act to deal with the situation in so far as it is within the constitutional power of the Commonwealth so to do. For constitutional reasons, the power of the Commonwealth to legislate with respect to aircraft engaged on flights within the State is limited, so this Bill covers much the same ground in relation to those flights as the Commonwealth measure does in relation to matters within its constitutional competence.

Clauses 1 and 2 are formal. Clause 3 sets out certain necessary definitions and other matters necessary for the interpretation of the measure. Clauses 4 and 5 provide, in effect, that in relation to the criminal law an aircraft in the course of an intrastate flight will be regarded as part of the State, and as a corollary any offence committed on board such an aircraft will be deemed to have been committed in the State. Clause 6, which deals with the application of the principal operative part of the measure, provides that it will apply to aircraft physically within the State and aircraft engaged in an intrastate flight, this application reflecting the limits of the legislative power of this State.

Clause 7 deals with the practice of hijacking and provides substantial penalties therefor. Clauses 8 and 9 deal with the destruction of aircraft and again provide substantial penalties. Clauses 10 and 11 prescribe acts which prejudice the safe operation of aircraft. Clause 12 deals with intimidation of crew members of aircraft. Clause 13 prohibits the doing of acts that are likely to endanger the safety of an aircraft. Clause 14 deals with the placing of dangerous goods, as defined for the purposes of this clause, on aircraft.

Clause 15 deals with threats to destroy aircraft, and subclause (2) makes it an offence falsely to pretend that such a threat exists. Clause 16 provides for alternative verdicts in proceedings for certain of the offences set out in the measure. Clause 17 empowers the commander of an aircraft to arrest or restrain persons whom he finds committing or reasonably suspects of committing an offence. Clause 18 confers appropriate power of search on commanders of aircraft and on other authorized persons. Clause 19 makes it clear that this Act does not limit or exclude the operation of any law of the State. Clause 20 is intended to ensure that a person cannot be convicted twice for the same offence where his act or omission constitutes an offence under both State and Commonwealth law.

The Hon. C. M. HILL secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

Adjourned debate on second reading.

(Continued from December 4. Page 3437.)

The Hon. A. M. WHYTE (Northern): I rise to speak briefly but definitely to this short Bill, which is of such consequence to the Constitution Act as we know it. There is no need for me to detail all the Bill's formalities, as the two clauses that are of vital interest are clause 3, which amends section 33 of the Act, and clause 5. Clause 3 deals with the reduction from 21 years to 18 years of age for voting for the House of Assembly. Much has been said regarding the responsibility that 18-year-olds are able to assume. However, 18-year-olds today are no more capable of making responsible judgments than were people of this age in previous eras.

Undoubtedly, there is a greater number of responsible 18-year-olds today because there are more people of that age, but I believe that the percentage of 18-year-olds who can make responsible decisions has not increased. I am not saying that 18-year-old persons are irresponsible. I know well (as I have had three months since moving the adjournment of this debate in which to contact as many of this age group as possible) that few of them are interested in assuming this kind of responsibility. I believe that the main intention of the instigators of this legislation (and I am not blaming any one Party, because I believe that several Parties are involved) was to foster some political gimmick that they considered would assist their Party. I find it hard to evaluate this. I think it will average out

eventually but most youngsters today, even those vitally interested in politics, have no real desire to elect a Government. I would bet that, if this State could afford another referendum and it held one for those people between the ages of 17 years and 20 years, it would find that the overwhelming majority would vote against the voting age being reduced from 21 to 18 years.

The Hon. Sir Norman Jude: Particularly if it was voluntary.

The Hon. A. M. WHYTE: That would have some bearing, of course. I think this situation has not been brought about by the youngsters who will be so vitally involved: it is purely a political gimmick. I am sure the youngsters do not want this responsibility. It is a compulsion on young people to take part in something in which many of them say they do not wish to be involved.

I have never been quite sure how the age of 21 years was arrived at originally. Perhaps it was because it was the stage in life when a young gentleman could bear all the armour that was laid upon him and people judged this to be a reasonable age at which to assume responsibility. On the other hand, the person responsible for fixing the age may have had a late night playing pontoon. I do not know, but I have always thought that 21 years is an odd age to fix. I have an amendment on file to reduce it to 20 years, which is my idea of a reasonable age at which to begin accepting responsibility. There is no foundation for the introduction of 18-year-old voting. I know it can be argued that the Commonwealth and many other countries and States have done this. I argue that they have done it for exactly the same reason as this State is attempting to do it—and for no really good purpose. In any case, I am not interested in legislating for other States or the Commonwealth: it is my jurisdiction to assist in framing the best legislation possible for this State. I have no intention of voting in favour of 18-year-olds assuming the responsibility of voting.

The second clause of consequence is clause 5, which amends section 44 by allowing officiating ministers of religion to be eligible for election as members of Parliament. I have the greatest regard for people of any denomination who don the cloth. Never in my experience have I encountered one of these who has not been worthy of the cloth he has donned. I have had contact with many of them throughout my career in the Army and in civil life, and at this stage I can truthfully say there is not one of them who is not just a little bit better than the average man. I find it hard to believe that a minister of religion would find time, on the one hand, to expound the laws of God and, on the other hand, to try to make or condone some of the laws passed in this State. I do not think there is a more full-time job than that of an officiating minister of religion. Some people may tell me that I do not know my story correctly, but I say that any minister of religion who has the time to indulge in politics is probably not fulfilling his job as a minister properly. It is not necessary for this provision to be passed. It would be to the detriment of politics to have an officiating minister of religion expounding politics from the pulpit. I cannot see how it would be to the benefit of religion or politics to pass clause 5. I have on file an amendment to clause 3 that I shall move in due course in the hope of getting some support for it.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

BUILDING BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2938.)

The Hon. M. B. DAWKINS (Midland): I rise to support this Bill generally at the second reading stage. It is largely a Committee Bill, comprising 62 clauses and many provisions for making regulations and by-laws. I do not intend to deal with it in great detail, because the Hon. Mr. Hill and the Hon. Mr. Hart have spoken on it at some length. Therefore, I shall make some comments about some portions that I think need improving. I support the second reading because I know there has been some effort for a period of years to have this legislation reconstructed. The old legislation, which dated from 1923, doubtless needed some improvement or reconstruction. This Bill provides for the repeal of the Building Act and the substitution of a new Act. Although I commend those who did the work on this Bill, I cannot agree with it entirely. Many things are not exactly as I should like to see them.

If I remember correctly, the Hon. Mr. Hill said in this debate that the Bill would not have met with his complete approval had he still been the Minister. I could not have agreed with him more than I did when I heard him say that. Clause 5 (1) provides:

Subject to subsection (2) of this section, the provisions of this Act shall apply throughout each area within the State.

Subclause (2) enables the Governor to make proclamations in this connection. It is intended that the Bill will apply throughout "each area throughout the State". That means that it will apply within local government areas in South Australia and may in due course apply throughout the whole State. At this stage of the State's development that is not a good step. It removes the discretion of councils to decide where the legislation will apply and I believe that that discretion should remain with them. I do not favour reducing the powers of councils, nor do I favour councils being given the opportunity to opt out of some of their responsibilities.

Councils have recently been given the opportunity to opt out of their responsibilities with regard to weights and measures, and this Bill could give them an opportunity to opt out of some of their responsibilties with regard to building. I do not suggest for one moment that the present Government is entirely responsible for the opportunity that councils have had to relinquish responsibilities in connection with weights and measures. To give councils the opportunity to reduce their responsibilities would be not only unwise but it would also be inconsistent with the present Government's policy in the long run, because the Labor Party believes in a system of central government which applies in Great Britain, where there is one Parliament for the whole country but very much more power in the hands of local government.

Although I could not agree for one moment with the Labor Party's policy with regard to central government, I do believe that local government should continue to have the powers that it now possesses. In many cases local government is the best equipped authority to administer this type of legislation because it knows where it should be applied and where it is inadvisable or unnecessary for it to be applied; the local council has the necessary local knowledge and common sense. In the old Building Act, which is being repealed by this Bill, there is a lengthy and comprehensive definition of the word "building". Section 5 of that Act provides:

> "building" includes shed, outbuilding, stable, workshop, garage, privy, and any other building of any kind whether used for human habitation or not:

Clause 6 of the Bill, however, simply provides as follows:

> "building" includes a portion of a building:

However, we do not know anything about what is covered or exempted in the word "building". I have in front of me a definition of the word that occupies between 10 and 15 lines of fairly close printing. I shall not read out the definition, but I can say that the word "building" can be taken to mean almost any sort of structure that one wishes it to mean. From time to time in this Bill the term "any building or structure" is used, and the word "structure" is not defined at all. I can only assume that the term "any building or structure" is intended to express everything that can possibly be thought of. Clause 6 provides:

> "building work" means work in the nature of—
>
> (*a*) the erection, construction, underpinning, alteration of, addition to, or demolition of, any building or structure;
>
> (*b*) the making of any excavation, or filling for, or incidental to, the erection, construction, underpinning, alteration of, addition to, or demolition of, any building or structure—

we find the term "any building or structure" in each of the paragraphs I have quoted—

> or
>
> (*c*) any other work that may be prescribed,

If that is not all-embracing and if that is not at the stage where it could become a bureaucratic nuisance, particularly to country areas, I do not know what is. As far as I can see, the term "clerk" is not defined in clause 6. For the most part that word refers to the clerk of a district council, corporation or city council, but sometimes the term refers to the clerk of a court. This should be spelt out in more detail so that it is perfectly clear. I think the transitional provisions in clause 7 are fair enough. Subclause (1) provides:

> A building or structure that was lawfully erected or constructed before the commencement of this Act or was deemed pursuant to the repealed Act to conform with the provisions of that Act shall be deemed to conform with this Act . . .

Of course, once again we have the all-embracing term "building or structure". In connection with building surveyors, clause 14 (1) provides:

> For the purposes of this Act the council of each area—

the term "area" is earlier defined as a city or municipal or district council area—

> shall appoint a building surveyor and may appoint such building inspectors and other officers and servants as it thinks fit.

I realize that in clause 19 there is something of a let-out in this regard. That clause provides:

> (1) The council may by resolution confer upon an officer of the council (other than a

building surveyor) such of the powers, functions, duties and obligations of a building surveyor as may be prescribed.

(2) An officer of the council in respect of whom such a resolution is made must be qualified . . .

I cannot see in the Bill any interpretation of the term "must be qualified". What qualifications are required? Possibly they will be spelt out in the regulations. I have had some experience in local government over 14 years and for part of that period I was chairman of my local council. Since that time I have had contact with other country councils. I am sure it is unnecessary and undesirable in many country areas that a council should have to appoint a building surveyor. In the City of Adelaide and in many surrounding suburban cities, and even in country cities and large corporate towns, it may be necessary, not merely desirable, to have a building surveyor, but in many of the country council areas the building inspector now provided, very often on a part-time basis, is all that is necessary.

Clause 14 (4) states that the council shall provide and maintain an office for the building surveyor, as well as for the building inspector. In many smaller country councils this is not necessary and would result in an unnecessary increase in the number of public servants administering the Act. I suggest that the words "city or municipal" should be included after the word "each" in clause 14 (1), which would mean that for the purposes of this Act the council of each city or municipal area shall appoint a building surveyor, and may appoint such building inspectors and other officers and servants as it sees fit. There is what may be regarded as a let-out in clause 19, but I do not think it is spelt out as well as it might be.

In Part IV, clause 20, we see the heading "Building Act Referees", and the provision for a panel of referees in respect of each area. Once again, this means each council area and I suggest that although it may be necessary in the city, in various country cities or large corporate towns, probably it would be unnecessary in the vast number of rural councils. Some qualification regarding referees should be provided.

Referring again to the surveyors mentioned in Part III, suggestions have been made to me that the old Act provided that the surveyor shall survey. In the case of a structure in a dangerous state the surveyor shall, on it becoming known to him, make a survey of such a structure. It has been suggested to me that all building work within the area should be subject to the supervision of the surveyor, "who shall survey". The Bill now before us only provides that:

Subject to this Act all building work within the area shall be subject to the supervision of the surveyor.

It is suggested that the words "who shall survey" be added to this sentence. However, there appears to be no instruction regarding surveying of any building or structure of a dangerous nature. It may be that an amendment along these lines would commend itself to honourable members who are familiar with procedures in the larger corporate towns and cities. I would not regard it as an amendment which would be necessary for country councils.

I do not wish to refer to all of the 62 clauses, but clause 38 (1) provides:

If a building or structure does not conform with the provisions of this Act or any building work has been performed contrary to the provisions of this Act, the surveyor may, by notice in writing served upon the owner of the land on which the building or structure has been erected or constructed, or the building work performed, require him to bring it into conformity with the provisions of this Act or to demolish the building or structure.

Again we have this all-embracing term "building or structure". It has been argued that this could include any sort of structure, particularly in agricultural areas—even a strainer post with a gate. I do not imagine anybody seriously considers going to such lengths, but the door is left open for some future excess in bureaucracy and the exercise of unnecessary controls.

Clause 51 provides that all buildings and structures, the property of the Crown, shall be exempt from the operation of this Act. I question that from the point of view of location. There will be occasions—and probably there have been—when buildings have been erected where it would have been better if they had not. Buildings which may be in themselves quite functional could be erected in areas to which they are not suited, and it is the exemption applying to the Crown which I question. Should it apply in such a wide form it might not always be wisely used. This clause will need careful scrutiny in the Committee stage.

I commend the work that has been done on this measure, but as it now stands to my mind there are opportunities for bureaucracy to flourish. Clause 60 gives the opportunity for the making of by-laws under several headings. Clause 61 gives the opportunity for regulations to be made under 33 headings, and

this could result, of course, in many more regulations than 33.

This legislation could become unnecessarily unwieldy and complicated, and it might be wondered whether we had improved upon the old legislation in bringing down the new measure. It still needs a considerable amount of work. It is another example of the abundant justification for the bicameral system, and for this Chamber particularly. The Bill, as it has come from another Chamber, is not complete. It needs considerable improvement and detailed study. In this Chamber measures of this nature, which should not be considered political, can be debated in detail. With the reservations I have mentioned I support the second reading.

The Hon. E. K. RUSSACK secured the adjournment of the debate.

AGE OF MAJORITY (REDUCTION) BILL

Adjourned debate on second reading.

(Continued from December 4. Page 3445.)

The Hon. C. M. HILL (Central No. 2): The purpose of this Bill was set out by the Minister of Lands when he introduced the measure prior to the adjournment. He said:

Its purpose, as its long title suggests, is to reduce the age of majority and to confer upon persons who have attained the age of 18 years the juristic competence and capacity of full age and to confer and impose the attendant rights, privileges, responsibilities and obligations.

At that time the Council had time to hear only the Minister and the Hon. Mr. Potter. The measure is similar to a private member's Bill that was introduced by the present Premier in 1968 when he was Leader of the Opposition in the other House. On that occasion, the private member's Bill was negatived by the casting vote of the Speaker.

I commend the Hon. Mr. Potter on the very temperate and moderate way in which he debated the issue. The more I have endeavoured to read informed opinion about the subject and the more investigations that I have made, the more the need for a moderate approach to the question has impressed itself upon me.

The Hon. Mr. Potter emphasized that if one reads the two reports of quite deep investigations into the subject matter one invariably finds some difficulty in coming to a decision on the question either one way or the other. He indicated that irrespective of how one finally decided the issue the margin in reaching a decision was not very great, and I agree with him on that point.

Therefore, in weighing up the issues, I have considered these two reports and have also given much thought to the matter, and in general terms I have come down on the side, by a narrow margin, of favouring the change. Despite that general approval of it, I believe that there are at least two proposals within the Bill that are retrograde steps, and I shall touch on those as I proceed.

The Bill does not cover all matters reducing the age of majority from 21 years to 18 years. The question of voting is dealt with in another measure which is before the Council at present and upon which the Hon. Mr. Whyte spoke this afternoon. The question of reduced age for marriage is one of Commonwealth competence.

The two reports which I mentioned and which were commended to us by the Minister for reading in an endeavour to gain the full background and the necessary knowledge of this subject were, first, the Latey report and, secondly, one which might be called the Manning report. The Latey report was a report of a committee in Great Britain chaired by the Honourable Mr. Justice Latey. It is entitled *A Report of the Committee on the Age of Majority*. The committee was appointed on July 30, 1965, and its report was presented to Parliament two years later, in July, 1967.

The Manning report is a report of the Law Reform Commission on Infancy in Relation to Contracts and Property in New South Wales. The committee was chaired by the Honourable Mr. Justice Manning. The committee presented its report to the New South Wales Parliament, which ordered it to be printed on August 7, 1969. So the larger of the two, the Latey report, deals with the position as it applies in England, and it was an investigation carried out between 1965 and 1967. The New South Wales investigation dealt with the position in that State up until August, 1969. The effects of the proposed legislation are mentioned by the Minister in his second reading explanation. He said:

Persons of or above the age of 18 years will be able to make binding contracts, to act as executors or administrators of estates, to serve on juries, to drink on licensed premises and to engage in lawful wagering and gambling. The age of 21 will no longer be a statutory bar to admission to various professions and specialized callings. The guardianship of infants will end at 18. Persons over 18 will not normally be eligible for adoption (although there are some exceptions to this) and will themselves be able to adopt children.

The major operative clause of the Bill is clause 3, which deals with the removal of disability of infancy from persons over the age

of 18 years. Subclause (1) deals with the legal viewpoint that a person 18 years of age or more shall have full legal capacity and shall be considered as being of full age. Subclause (2) excludes some people from the operation of this overall measure, for it states that this section shall not affect any deficiency of juristic competence or capacity that is attributable to insanity or mental infirmity or any other factor distinct from age.

Subclause (3) excludes further people who might be affected by the measure. I interpose here to lay some emphasis on this point. Prior to the introduction of this measure we had some publicity on this question. It was mentioned in the Labor Party's policy speech prior to the last election, and we have read considerable publicity about it since that time. There was a general impression that the net was to include all people on all measures. However, that most certainly is not so, for I have just mentioned one example of where some people are excluded.

Subclause (3) deals with the question of the assessment of rates and taxes and succession duties, and certain people affected by such duties are not affected by this measure. In other words, a person who is, for example, 19 years of age will not be considered an adult for succession duty purposes.

The fourth exclusion deals with the whole question of industrial conditions and employment relationships. These are not affected by the Bill at all, so here we have another area of exclusion. I emphasize this point of exclusion because it seems quite reasonable to me that, if honourable members agree with this matter in general principle, there may be some other areas of exclusion that it is quite reasonable to pursue, because there are examples of too severe responsibility or obligation being placed on people within this age group.

In subclause (4), dealing with industrial relations, there is the economic aspect from the State's point of view and that undoubtedly has influenced the Government in excluding that feature from the Bill. Subclause (5) deals with some settlements and dispositions of property that are unaffected by the Bill. In rather similar vein, subclause (6) deals with some dispositions to 18, 19 and 20-year-olds where such dispositions come through trusts, and these dispositions will not be operative unless the 18, 19 and 20-year-olds come of such age after the proposed Act is proclaimed. Subclause (7) deals with the question that those between 18 years and 21 years will automatically become of majority, apart from the exclusions, when the Act commences.

Clause 4 of the Bill deals with the construction of the various Acts and regulations affected. Subclause (5) touches on the question of industrial agreements, determinations, orders and awards being completely unaffected by the measure. The Bill has a long list in its schedule of all the various Acts that will require amendment if this measure is favoured. About 34 separate Acts will be affected by the Bill and I understand that several more amendments have since been placed on members' files.

Some of these changes in these Acts are simply of a formal nature. Nevertheless, I think it is proper that each one has to be reviewed because it is in this part of the Bill that honourable members, if they favour the change in principle, may find some examples where they feel that the change should not apply in those Acts that are affected. The first of these Acts is the Administration and Probate Act, which deals with the work of the Public Trustee. It appears to me that this would be only a formal change reducing the age from 21 years to 18 years.

The second Act is the Adoption of Children Act, and here we see some need for caution. On this point the Minister said that section 12 of the principal Act was to be amended. This section provides that an adoption order shall not be made, except in exceptional circumstances, where the adopting parent is under the age of 21 years; this age is amended to 18 years. This would mean that a parent of the age of 18 years, on the grounds of age itself, would be able to adopt a child. This is a matter which requires considerable thought and it is one of the changes on which caution must be exercised.

The third Act is the Agricultural Graduates Land Settlement Act. This is the Act under which graduates can be eligible for assistance, and the age limitation is reduced from 21 years to 18 years. There is a minor amendment to the Alcohol and Drug Addicts (Treatment) Act dealing with the definition of "relative" with reference to the legal guardian. The age referred to is reduced from 21 to 18. The fifth Act that is amended is the Architects Act. In this Act, the age qualification for a person to become registered as an architect is reduced from 21 years to 18 years.

Here, surely, the whole matter is becoming ridiculously doctrinaire, because I submit that it is impossible for anyone to be in a position to apply to be registered when of, say, 18 years of

age. If we assume that young people attend university for the first time at 16 years, there is a five-year minimum course for the architectural profession (there is also a five-year minimum course, I understand, for the Diploma of Architecture at the Institute of Technology), and the Architects Board requires two years practical service, one of which must be served after graduation—if we total these ages and periods we find that the young person is at least 22 years before he can be considered for registration as an architect.

It appears to me that the best way to approach the matter is the way that the Government has done in the thirty-third Act under consideration, namely, the Veterinary Surgeons Act, in which the age group is omitted altogether. If we legislate to reduce the age to 18 years under the Architects Act and if it is impossible for a person of that age to apply for registration, we are legislating in a ridiculous way and, of course, people lose respect for impracticable laws. I should like the Minister to comment on this matter. It applies not only in regard to this Act but also to some of the other Acts in the schedule.

It may well be that some consideration must be given to oversea migrants who seek registration, but I feel certain that such a person would find that he was not qualified sufficiently at the age of, say, 18 years. The sixth Act to be amended is the Ballot Act. The Minister has said that, ultimately, this Act will be repealed, and this measure is only a formal one. The seventh Act is the Builders Licensing Act, in which the Government proposes that people can apply for a general builder's licence at 18 years. That licence must be held by a builder to be qualified, for example, to build the A.M.P. building across the street.

Most apprenticeships in the building industry have been reduced to four years and youths of about 15 years enter into such apprenticeships. This means that the Act, as proposed, will provide that a person can apply for a general builder's licence at the end of 18 years; yet a youth in the building trade does not finish his apprenticeship until he is at least 19. It seems to me that this is taking the whole area of change too far, and this must be looked at more closely. Again, it seems to me that the best way to approach it is to leave out altogether the 21 years qualification because, if we put 18 there, we may as well put five, six or 10 years. If we leave it out altogether, the effect that the Government is endeavouring to achieve will be realized and at the same time people will not lose respect for the legislation.

The next four Acts would be changed by these proposals only formally—the Criminal Law Consolidation Act, the Crown Lands Act, the Education Act, and the Emergency Medical Treatment of Children Act. The twelfth Act named by the Minister is the Fisheries Act. The Minister says in regard to these particular changes:

> The Act provides that a licence granted to a fisherman shall be sufficient for the fisherman and one member of his family under 21 years of age. This age limit is reduced to 18 years.

I do not know whether this proposal has been put to any of the fishing interests or whether the Minister can tell me whether any representations have been made by fishermen about it, but it means that, whereas at present a father with a son 19 years of age (I am being guided by what the Minister has said) can operate under one licence, after this Bill is passed that will not be so: the youth of 19 will have to apply for a separate licence. The question of obligation, expense and so forth may well cause those in the fishing industry to query this measure and express some adverse comments about it. This matter should be looked at carefully.

The thirteenth Act to be changed is the Friendly Societies Act. That will be a formal change. The next one is the Health Act. Here again, a youth may well object to this amendment. The change as mentioned by the Minister means that parents are liable to contribute for the maintenance of children under 21 years of age (incidentally, this provision deals with maintaining in hospital persons suffering from mental disease) and persons over 21 years of age are liable to contribute towards the maintenance of their parents. The amendment lowers these ages to 18 years in both cases.

Again, taking the example of a 19-year-old youth who becomes involved in these circumstances, the parents will not in future be liable to contribute towards his maintenance but, on the other hand, he will be liable to contribute towards the maintenance of his parents, which he does not have to do at present.

These are examples of some of the obligations being thrust upon young people by these proposed changes. Further Acts to be

amended in a simple and formal manner are the Homestead Act, the Hospitals Act, the Housing Improvement Act, and the Industrial and Provident Societies Act. The only comment I make about the Housing Improvement Act is that here again an obligation is thrust upon young people, in that by this amendment they must accept responsibility for the formal acceptance of notices within that Act, which they do not have to at present.

The nineteenth Act that would require amendment is the Juries Act. The Hon. Mr. Potter raised this matter; he had some grave doubts about it. The present age limit of 25 years will be abolished and any elector on the Assembly roll may be called on for jury service. I do not know from what we have heard this afternoon whether or not there will be any change in the Assembly roll but, if I may assume for a moment that there will be and that that age limit may come back to 18 years, it would mean that, if that happened and this Bill was passed in this form, people could serve on a jury at the age of 18 years.

A pertinent point is that the fixing of 25 years of age undoubtedly was not only because some doubts existed about the ability of people under that age to do a wise and thorough job as members of a jury but also because it relieved or absolved younger people from that responsibility, a great responsibility.

In the Latey report, this question of jury service was considered. That report takes the view in its majority decision (there is a minority report which is part of it) that the members do not lose any sleep (I think I am using their own words) at the thought of, say, one person of 18 years of age being a member of a jury. They go on to reason that on the law of averages when a jury is formed the possibility of more than one member being 18 years of age would be extremely remote. They take the general and rather pragmatic view, as I see it, that such a youth could not do any harm at all on a jury.

From my own point of view, I do not think any harm would be done, either: in fact, in some cases I think a young person's contribution to discusions on a jury may be very worthwhile. It is interesting to note that the British Parliament did not accept this part of the Latey report when it introduced its change and it excluded the people of this lower age bracket from jury service. I repeat that my view is that I do not take great exception to the proposed change.

The twentieth Act that would require amendment is the Law of Property Act. This is a formal change dealing with the rules for perpetuity and property dispositions which were excluded under section 3 of the Act.

The Licensing Act would be amended if the Bill was passed, and it would be amended to the effect that young people of 18 years of age and upwards would be allowed to drink in hotels. I have expressed the view in this Chamber previously that I do not object to that change. I know it is a problem for those responsible for policing this law to know when people below the age limit who are physically big and strong are not yet 18. The problem is covered, to a certain extent, in the measure where some defence is allowed the publican if he has reasonable grounds for believing that in his bar a youth who turns out to be 17 years old is 18.

The Bill also proposes another change that the Minister did not mention, in respect of barmaids and their age. I recall that in 1967, when the major changes in the Licensing Act went through this Chamber, there was considerable discussion on the age when young ladies should be to be allowed to work as barmaids. At that time the minimum age for females was 21 years, and the minimum age for barmen was 18 years. This Bill makes the minimum ages of barmaids and barmen uniform. If the Bill is passed in its present form ladies of 18 years of age and older will be entitled to work as barmaids.

The twenty-second Act that is amended by this Bill is the Lottery and Gaming Act. The Bill permits people of 18 years of age and older to gamble and be in racecourse enclosures and other areas where betting takes place. I do not have any strong objection to this provision. Young people who like to try their hand at gambling will find out before very long that it does not pay. The sooner that experience is behind them the better. I do not think great harm will be done to the young people of South Australia if that change is made.

The twenty-third Act that this Bill amends is the Masters and Servants Act, but only a formal change is made to this old Act. The twenty-fourth Act to be amended is the Money-lenders Act. Here again one must have grave doubts about the wisdom of any change. Under this Bill it is possible for a young person of 18 years of age to gain a money-lender's licence. Some money-lenders hold trust moneys

that are lent in the ordinary course of money-lending business. Of course, such people must obtain a licence from a magistrate, who will no doubt look very carefully at applications from people under 21 years of age. Nevertheless, it is bordering very closely on an unwise practice to permit people between 18 years and 21 years of age to handle trust moneys.

The principal objection I have to this Bill relates to the twenty-fifth Act that it amends—the Motor Vehicles Act. The Bill allows tow-truck operators to obtain licences at the ages of 18 years, 19 years or 20 years, whereas at present the minimum age is 21 years. In addition, the minimum age for granting driving instructor's licences is to be 18 years. On November 16, 1966, the then Minister of Roads and Transport (Hon. S. C. Bevan) introduced into this Council a special Bill to contain the operations of tow-truck operators. At that time he went to great lengths to explain many of the problems besetting people in South Australia, particularly the Police Force, in connection with tow-truck operators.

Honourable members may recall the very serious matters then raised. Some tow-truck operators raced in mad haste to the scenes of accidents. They vied for the opportunity to hook the damaged vehicle on to their tow-truck so that they could tow it away to a repair shop with which they had some business connection. In many cases the driver of the damaged vehicle was suffering from shock, and physical violence sometimes occurred between tow-truck operators as a result of arguments as to who should tow the damaged vehicle away.

One of the changes that were then made at the instigation of the Hon. Mr. Bevan was that the minimum age of tow-truck licensees should be 21 years. In recent years I have not had any reports brought to my notice of similar problems. Armed with the powers that were granted, the police have been able to take the necessary action and bring some sanity into the industry. Since the people involved were in most cases injured, that action has been to the public good.

Since we have now arrived at a satisfactory position, I cannot help thinking that, if we reduce the minimum age for the granting of licences, we will run the risk of again experiencing the troubles that used to occur in the metropolitan area. The area of operation of the legislation was within a 20-mile radius of the General Post Office. There does not seem to be any need for the gate to be opened more widely.

We hear much nowadays about road safety, driver improvement and driver education. The present and future roles of the professional driving instructor are most important in the whole area of road safety. At present no-one under the age of 21 years can obtain a driving instructor's licence, and I see no reason why the minimum age for the granting of those licences should be reduced to 18 years. Driving instructors must possess much experience, which they gain with the passing of time and as a result of driving under various conditions and in various States and, in the case of migrants, in various countries.

If we are to place emphasis (and I fully agree with it) on driving instruction, we are running a risk if we permit people between 18 years and 20 years of age to receive a driving instructor's licence.

The twenty-sixth Act the Government proposes to change is the Nurses Registration Act. I have not investigated this matter in any depth, but other members perhaps will be doing that. Whereas now the age limit for registration of nurses, psychiatric nurses, and mental deficiency nurses is 20, it will be reduced to 18 years. But the measure goes further than that. The age of midwives, now 21 years, will be reduced to 18. I wonder if this is not going a little too far, and I would like to hear comments from those who know more about this subject than I.

The Opticians Act will be amended, and here again the registration age limit will be reduced from 21 to 18. This is quite a ridiculous situation. In the first instance students in this field must matriculate, following which they must study for four years before they are entitled to apply for registration. I think it would be impossible for anyone of 18 to achieve this.

The Pharmacy Act will have the registration age reduced from 21 to 18, but the second change to which I take strong objection concerns the Pistol Licences Act. The proposed change reduces the age limit for a pistol licence to 18 years, and whereas under the present Act a parent is liable for a fine if a child under the age of 21 years is in possession of an unlicensed pistol, that same liability will apply for children under the age of 18 years.

I wonder if young people would agree that this is a good thing. We can go through these changes and question the need for them, as the Hon. Mr. Whyte did this afternoon. We can pursue the point he raised of asking young people if they favour such changes. I firmly believe they do not, and I do not

think there is any need to introduce legislation changing the laws of this State to enable young people of 18, 19 or 20 years of age, who are at present unable to obtain a pistol licence, to be placed in a position where they can apply for such a licence on the grounds of age.

Other formal changes concern the Renmark Irrigation Trust Act; the minimum age limit for members of the trust is reduced from 21 years to 18 years. The Social Welfare Act is to be amended, and this gives rise to some concern. Section 134 provides for moneys earned by a State child in the course of apprenticeship or other employment to be held in trust until he reaches 21 years. The amendment reduces this age to 18 years, meaning that moneys now held by the State on behalf of a State child must be released to him at that age. I emphasize that this must give rise to some concern.

The qualifying age under the Surveyors Act is to be reduced to 18 years. I do not know whether it is possible for people of that age to apply. I have mentioned the Veterinary Surgeons Act, where the 21-year limitation is omitted altogether. This seems the most sensible way to approach the problem. The last Act the Bill proposes to change is the Workmen's Compensation Act; it is a purely formal change.

I come now to the general question raised by the Hon. Mr. Whyte, as to where the demand for this measure has arisen. The Government, in introducing change, especially change as radical as this, should be able to back up the contention that it is desirable, necessary, or for the good of all the people of South Australia. In his second reading explanation the Minister did not quote any examples of a demand or a request for this change.

The Government relied on the two reports I have mentioned. I agree that they were very deep investigations; indeed they have influenced my thinking on the subject a great deal. However, it is a great pity that the Government cannot produce some evidence where people affected by the change—not only people who will be given privileges by it, but those who will be forced to accept obligations under it—are shown to be seeking it. If the Minister could bring forward examples of organizations or individuals seeking the change and put their representations before us, I think he would be on much stronger ground.

It is true that the present Government, in its policy speech, mentioned this matter—and I quote:

> The freedoms of citizens are vital to the development of a properly designed society. Therefore, the Labor Government will immediately reintroduce its proposals making 18 the age of majority for all citizens, instead of the present age of 21. The age of majority will apply for all purposes including voting and making contracts, though in accordance with its traditions, the Labor Party will leave its members free to vote according to conscience on the subject of the age of majority applying for drinking and betting. All specific restrictions placed upon people because they are under the age of 21 years will be removed.

All these specific restrictions have not been removed, and I suggest when this speech was prepared it was known they would not all be removed.

The Hon. R. C. DeGaris: How many have been?

The Hon. C. M. HILL: I went through the list, and the one about which Government members knew only too well was the one regarding industrial conditions and awards.

The Hon. A. F. Kneebone: What was your Party's policy in the last election regarding the age of majority?

The Hon. C. M. HILL: I have not referred to the specific speech, but when the private member's Bill was introduced in another House and debated the leaders of my Party made the point that we do not object to the principle, but we think the age of majority should be uniform throughout Australia before agreement is given in totality.

The Hon. A. F. Kneebone: The Leader in the other House did not say that.

The Hon. C. M. HILL: The Deputy Leader said that, because I read his speech in reply to the Hon. Mr. Dunstan in 1966. He referred to meetings of Premiers, including the then Premier of Tasmania, Mr. Reece, who is well known to the Minister, and also to meetings of the Attorneys-General at that time. All those meetings agreed (and Mr. Reece in turn agreed) that it was better to have uniformity throughout Australia than to have one State plunging on alone. That was the position in 1966.

The other point I make in regard to this part of the policy speech concerns the question of conscience and the tradition of the Party to have a free vote on the questions of drinking and betting. I did not hear the Minister add this to his explanation on this occasion or make any qualification that the

members on his side were quite free to vote according to their conscience on this point.

The Hon. A. F. Kneebone: They are free to vote on social matters according to their conscience.

The Hon. C. M. HILL: Well, I assume that their conscience guides them on this occasion to support the change in regard to drinking and betting. I ask the Government whether it can back up the change that it wants to introduce by local investigation or by local support here in South Australia, because South Australians are the people who will be affected by it. I understand that there is a Law Reform Committee of the Law Society. This committee was sitting in the time of the previous Government, and from investigations I have made I understand that it is still convened as a committee to research law reform. Did the Government put this question to that committee? The Manning committee in New South Wales was a committee on law reform, and it made an investigation about it. However, I do not believe that the present Government has obtained any report on this question from the Law Reform Committee here in South Australia.

The Latey report, to which I and other members have referred, mentions this subject with some emphasis. It points out how difficult it is to get to the great mass of young people and to endeavour to find out exactly how they are thinking on this subject. It is not an easy matter. If the Minister could inform me of any local demand for the change, I should be very pleased to hear about it.

However, when one reads these reports and endeavours to talk about the subject to young people in this State, and the deeper one's investigations go, the more one realizes that a personal judgment must ultimately be made by individual members. One's own experiences, one's observations and one's opinions play an important part. No matter how deeply one endeavours to research the question, one's mind comes back time and time again to one's own experiences. In the end, I believe that our decision in regard to this Bill becomes a very personal decision, and each member has his own individual opinion.

The Latey report emphasizes the point I am trying to make when it says, in paragraph 9, that the investigation was partly an inquiry into the law but also an inquiry into the ordinary, every-day problems of human beings. I submit that those are very telling and meaningful words in regard to the measure before us. We are carrying out an inquiry into the ordinary, every-day problems of human beings. Whereas it may be possible to contact some groups that are no doubt representative of some sections of youth, it is very difficult indeed to get to the majority group, the great mass of young people who do not take an active part in organizations that are concerned with this issue but who no doubt have their own views on it. Therefore, to gain some cross-section opinion of that majority view is a very difficult thing.

As I have said, it is not easy to become well-informed on this subject. The Latey report found that it was easy to obtain opinions from organizations but that when it called representatives of those organizations before it and questioned and cross-examined them, sometimes a vastly different picture arose. Indeed, it is a subject upon which, under cross-examination and close questioning, a great deal of the human problems of bias and unreasonableness and even bigotry sometimes arise. It is a very difficult question to understand fully how the people who are affected are really thinking.

Therefore, my own decision in the matter is entirely my own point of view. It may be that a local inquiry into the matter could be held and that such an inquiry might bring forth some opinion that is vastly different from the one that some of us are considering at present. However, I am sure that if a local inquiry was held the same problems of getting to that mass of people, the same problems that beset the Latey committee when it set about trying to obtain the views of young people, would arise here.

The Latey report places some emphasis on the history of the whole question, and it was guided in some way by the history of the question of the age of majority. Personally, I do not place a great deal of importance on this history. The Hon. Mr. Whyte mentioned that the age of 21 was once assumed to be the age of majority because young men could then carry armour, and I think the story runs that they could also carry amour on horseback and carry their swords from about the age of 21 upwards, so the age of 21 was fixed as the age of majority.

The world in which we live is a world which, in my view, must concern itself with the future, and the young people affected by this measure form an extremely important part of that future. In many ways, the future world is their world, and I think we should consider them as they are as best we can today and consider the future far more than

we should the past. In my reckoning, the young people today can be formed into two general groups. The first is the minority group. The people in this group give one the impression that it might be unwise to make any change. These include the irresponsible, the disturbed and the inadequate. There are some, of course, who indulge in anti-social behaviour, who wear their dirty clothes and dirty hair and hold their heads high, and so forth. They form only a very small number when one considers the total number of young people in our society. Of course, they obtain a great deal of publicity through the news media and otherwise.

However, the people we must surely concern ourselves with most are the other group, the majority, who know where they are going and who many of us find from our own personal experiences to be quite responsible young people. Indeed, on looking at the minority group, arguments can be put forward to increase the age. These few people will be completely unaffected by this change, except that there is some informed opinion that indicates that some may improve if they are given the responsibilities and if obligations are placed on them more than is the case today. I am concerned mainly with the majority group, and the Latey report deals with this majority group in considerable detail. In paragraph 72, speaking of this group, the committee stated:

> We look in a little more detail at the main parts of the evidence which have given us our picture of the young as they are today. This picture, presented by the best informed and most qualified sources, is wholly encouraging and came as a surprise to those of us who were not previously in touch with any broadly based cross-section of the young, or who had had only too much experience of them in their less enticing aspects as delinquents, rebels and problem adolescents.

The words requiring emphasis are "wholly encouraging". This committee went into the question at great depth. Some of the committee members had not had much contact with young people, and the picture that they gained after this deep investigation was wholly encouraging. From my own personal experience I believe that the great majority of young people today are responsible persons. One cannot help weighing this subject of responsibility against that of irresponsibility.

The positive view must surely be taken if we are going to legislate for change, because the majority are the ones who form the largest number that will be affected. On the question of responsibility in the Manning report, paragraph 18 states:

> Responsibility and irresponsibility are, it is put, self-regenerating: give a person responsibility and he will tend to behave responsibly. We think that there is force in this view and we find in it support for some relaxation of the incapacities of infancy.

Both these reports stress the quite positive view that if we give young people responsibility they will react in a positive way towards it. We who have this task of approving or disapproving change should bear that aspect very much in mind. The Latey report continues along the same vein when it states:

> We feel extremely strongly that to keep responsibility from those who are ready and able to take it on is much more likely to make them irresponsible than to help them.

These words require much deep consideration. The Latey report, again in this quite positive and enlightening fashion, continues:

> The law is there to assist them and not to stand in their way.

One cannot help considering the general question of maturity when one looks at this subject; but I do not agree with the views expressed in the Latey report on this subject. The report was influenced somewhat by the British Medical Association's views. Whereas youth today matures physically much more quickly than it did previously, the association said that, probably, psychologically young people of today are more mature. I doubt that, and I was interested to read the minority report printed at the back of the Latey report. Nine members signed the report and two members took a minority view and gave a separate report. The minority report questions very seriously the matter of maturity.

Professor Tanner gave considerable evidence on this subject to the committee but he indeed suggested that maximum mental maturity did not arrive until the age of 25 years and that differences between slow and fast developers are not ironed out until 20 years. I think, from my own experience and observations, there is much truth in his view. Saying that there should not be change or trying to build an argument against change to increase the age of majority on the basis of maturity simply localizes the problem into that one issue alone. It is affected by the whole question of education, because I think we all agree that youth is educated much more today than it was in the past.

I think that the question of education can be the basis of one's confidence in today's youth in regard to this question. In my reasoning, this aspect of education somewhat balances out the matter of maturity, which I find unable to use to pursue my finding in the matter. By maturity, I mean psychological maturity; I agree on the question of physical maturity occurring earlier today than previously. It boils down again to one's personal view, and my confidence in young people of today, in the vast majority of them, is the salient point in forming my opinion.

I have much confidence in the young people. I am prepared to give them the opportunity as far as my vote is concerned and I am prepared to give them the responsibility, subject to changes with which I do not agree, namely, amendments to the Motor Vehicles Act and to the Pistol Licensing Act. I believe that the young people can face up to the change and that the great majority of them will accept and appreciate it and be more responsible as a result of it.

The legislation that followed the Latey report in Britain did not religiously accept the whole recommendation of the report. A report in the *Advertiser* of January 2 stated that 2,250,000 people of 18, 19 and 20 years legally came of age on that day. However, it was provided that those young people may not become members of Parliament, may not be liable for jury service and may not be sentenced to prison as adults.

The principle of uniformity throughout Australia is wholly desirable. It is preferable to have uniformity; I think everyone would agree with that. However, the practical implications and problems involved in achieving uniformity are another kettle of fish. In the last two years not much progress has been made on the question of uniformity, in the general problem of State relations. I think that if one favoured waiting for uniformity, it would take so long that it would be foolish to wait. So I am prepared to proceed now without uniformity.

The last point I make concerns contracts. I think this is one on which some special consideration and emphasis should be laid. It has been dealt with in great detail in the Manning report from New South Wales, paragraph 12 of which summarizes the main reason why there should not be great objection to change.

I recall the Hon. Mr. Potter pointing out that young people of 18, 19 and 20 years of age in South Australia had considerable rights at present in regard to that matter. He said that young people could own property today and purchase it (I know that to be so), so there is no great radical change in this matter. Paragraph 12 of the Manning report states:

> Whatever age may be fixed as the general age of majority, people will still make improvident contracts which they would not have made had they been more experienced. Just as today some people over 21 years old make improvident contracts, so if the age of majority is reduced to 18 years some people between 18 and 20 years will make improvident contracts. The problem is to attempt to foresee whether, if the age of majority is reduced, the scale of improvident contracts made by people of the critical ages will be too high a price to pay for the freedom of contract and security of transactions which the reduction would achieve.

There is the balance that has to be decided upon when this question is weighed. It is not a retrograde step to go a little further than young people are permitted to go at present in South Australia and for this change in general terms to be introduced in regard to contracts.

I summarize by saying that, whilst the margin is narrow in my decision on the side upon which I have come down, I have made that decision. In many respects it is based simply upon my own personal experience and observations and all the reading I have been able to do in regard to the two reports that were commended to us by the honourable member.

It is a close decision. I am prepared to support the second reading of this Bill. Changes should be made and I propose moving amendments in an endeavour to effect change in the two areas where I think we should introduce a change at present. I freely admit that helping to bring my decision down on one side in favour of the measure is the immense confidence I have in the youth of South Australia.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

CAPITAL AND CORPORAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from December 4. Page 3440.)

The Hon. V. G. SPRINGETT (Southern): This Bill deals with two points—capital punishment and corporal punishment. What I have to say this afternoon is devoted almost entirely to capital punishment. This Bill, like many other Bills with a strong social component and concerning capital punishment arouses the strongest feelings in those people who think it

is a progressive step and equally strong reactions from those who deplore its contents.

The former tend to regard as barbaric relicts of an outmoded age those who do not hold the same views that they themselves have. They are prepared to consider that man has evolved in his behaviour to where the retention of an Act enabling capital punishment to be passed as a sentence is no longer required. Passions are easily aroused by reference to its crudity, its finality, its inadequacy as a deterrent, and its failure to stop other murderers from doing their terrible deeds. They also want to say that no group in society has the right to determine whether a fellow creature shall live or die.

I try to view this measure not as an isolated entity but as a part of a whole scheme of existence, intertwined and interlaced with other manners and degrees of punishment. I thought and think of this when harking back to the beginning—what is justice and to whom is its oversight and maintenance committed? Justice, I find, is a system of just conduct, fairness and the exercise of authority in the maintenance of right. Every man in his dealings with his fellows is responsible for his conduct, which at all times should be just. In the name of society as a whole, the Police Force and the judiciary (in that order) have the responsibility for maintaining justice for those committed to their care after Acts of Parliament have been passed to provide the basic framework within which these two bodies can work.

Parliament has to decide by its acceptance or rejection of this Bill whether or not South Australia will retain or dispense with this ultimate form of penalty. Capital punishment has been a part of the legislation of practically all societies throughout the ages. In these modern days, it is being abandoned by countries which have deleted it from their Statute Books. Almost (I think I can leave out "almost") all countries that have done this have come to be trend setters in modern standards of permissiveness. I am not trying to link the two: I am merely stating facts.

The background to my own experience in these matters is that for some years I worked in a large and world-famous criminal institution in Great Britain—Broadmoor. In my day, over 900 people were kept in Broadmoor. About two-thirds of those people had committed crimes for which in those days their lives could have been forfeited, taken by law; but, because they had not been able to comprehend the magnitude and the nature of their crimes and because their mental state was such that they could not distinguish between right and wrong, the penalty of the law in all its justice was not imposed upon them and they were committed to Broadmoor.

In no place have I been more conscious of the respect by the State for the dignity of man and of the State's regard for his rights and status. The vast majority of inmates in that institution were "pleasure men", sentenced to be detained until Her Majesty's pleasure was made known; and that usually meant for life. By "life" I mean the natural span of their mortal existence, not a few years with one-third remission for good conduct. Releases were granted on permanent parole in very selected cases. We had men and women there whose actions that had brought them to Broadmoor had embraced some of the foulest and most horrible crimes in the calendar. Bearing in mind that in a court of law any benefit of the doubt must be given to the accused, I suppose there were in Broadmoor one or two who had been lucky in their judge, jury and counsel. In explaining this Bill, the Chief Secretary said:

> The case against capital punishment rests primarily and basically upon the intrinsic value of the human person.

To that I would add "within the framework of society as a whole", and then I would accept the statement. Surely, if a community is to live in harmony and peace, its members must accept and abide by certain established rules and measures of conduct. Offenders against the standards so set are apprehended and punished according to the degree of the offence. The Chief Secretary continued:

> It is not too much to say that the degree of civilization of a community is determined by its price of the worth of the human person.

With that I agree, but one may ask: does the Chief Secretary mean that every human being is of equal worth always? I can go along with his statement if he means potential worth, but the lists of unsolved crimes of violence and bestiality leave no doubt in many people's minds that there are at liberty many people whose worth to society is nil and whose contribution is a millstone. The Chief Secretary continued:

> A profound reverence for human life is the mark of truly civilized societies.

I agree with this, too, but I would suggest that a country that over 100 years ago established Broadmoor, to which I have referred, and other countries that since then have established similar institutions have set a really

noble example of profound reverence for human life. What does the Government mean in this Bill by "a profound reverence for human life" as it is applied in the context of society as a whole? As a doctor my task is to save life, whomsoever and whatsoever the patient may be; my job is to deal with that human being. However, within the framework of the well-being of the State, surely profound reverence is not equated with just keeping every man existing physically at all costs. I fully agree with the following portion of the Chief Secretary's second reading explanation:

Carelessness of human life and disregard of its value are the marks of barbarism.

When a cold-blooded and carefully conceived murder has been perpetrated, where and upon whom is the brand of barbarism to be applied? Surely it is not society's standard to say, "You killed viciously, but we will hold your life sacrosanct; otherwise we would be acting in a barbaric manner." The Chief Secretary's second reading explanation continues:

When the State carries out the death penalty it deliberately and with premeditation destroys a human life.

I sincerely hope the State would never do so without deliberate premeditation, which should always precede any action of the State, not only one concerned with capital punishment. I would ask a question that is being increasingly asked nowadays: what is human life? Is it the chemical equation that man is mastering and has mastered, so that some form of life can be created in a test tube? Is this what is so sacred? Personally, I do not think so. It is characteristic to speak of man as having body, soul and mind. The latter two components are concerned with the quality of life, and we must increasingly turn our attention to these components. Society everywhere (indeed, humanity as a whole) if it is to survive on this planet and not destroy itself by ever-spreading disregard for the lives of fellow creatures, at either the individual or the community level, by individual killings or mass killings, must give urgent thought to the quality of life.

I am aware that what I am about to say leads me on to very delicate ground, but I often ask myself: what are we so distressed about when anyone dies? Is it because the body has ceased to function or the mind has ceased to think? Or, are we concerned about the soul, which guards the person's standards of moral and ethical behaviour? The Christian church claims that the soul never dies. If that is so, there is no death, be it in the ordinary course through sickness, accident or violence; or be it judicially as a result of a legal decision. None of these things can affect the vital spark. I cannot accept that the State is guilty of premeditated barbarism in accepting legal hanging as part of its fabric for certain crimes, nor am I convinced that the community's sense of the value of human life is depreciated by accepting this standard for certain crimes.

Laying aside the power to inflict punishment by death and replacing it with a penalty no more severe and no greater than that meted out for certain comparatively mild offences, whilst the dependants and relatives of the victim are to all intents and purposes left uncared for, is a form of hypocrisy. It reduces murder, which has always been considered the ultimate in crime, to a level of parity with lesser acts of crime. In effect, people who have that attitude are saying to a murderer, "Wilfully and knowingly kill, and we will show our regard for life by caring for you at the community's expense." Further, people with that attitude say to potential victims, "Be wilfully killed, leaving a widow and orphans, and it is just bad luck for you all—the community will look after the murderer." I am sure that that sounds cynical. However, some people suggest that refraining from the use of the death penalty in certain cases shows an awareness of the value of human life. Personally, I think it does the reverse, and it does not contribute to the civilized condition of human society; rather, it detracts from it.

The claim made so often is that the degree of civilization is benefited by the attitudes supported by some people. Some of the actions that we see all around us are not contributions to the civilized condition of society: they are just the result of modern permissiveness. In earlier days societies that followed this course crashed to destruction amidst the ruins of their own corruption. I believe wholeheartedly in mercy, but equally I believe in the need for right and justice. Mercy is not necessarily justice, and justice is not mercy. They can exist together or separately. It is said that society should not have the right in any circumstances to take the life of a felon; but I maintain that no-one has the right, wilfully and for personal reasons, to destroy the life of a fellow creature and automatically himself be immune from death.

It is often asserted that the abolition of the death penalty has no effect on the incidence of the crime of murder. What cannot be disputed, and what is often overlooked and

ignored, is that the removal of the death penalty has always been followed by an increase in crimes of violence. Why? Because the risk of paying for your crime with your life acts as a deterrent. When you are no worse off whether you severely injure or cause the death of your victim, then caution goes to the four winds. The extra risk is not great enough to worry about; you do not suffer any more.

The Prime Minister of Great Britain, on October 25, 1970, speaking in the House of Commons in a debate on a similar subject, said:

> Increasingly the use of violence has become not the last resort of the desperate, but the first resort of those whose simple unconstructive aim is anarchy.

Is society to say that these lives are of such value that they should be preserved at all costs when death results to the victim?

The United Kingdom Criminal Injuries Compensation Board, in its first year, included the following in its report:

> Over 17 per cent of cases which came before the board in its first year were victims of street attack on strangers in the street, where the motive was hooligans injuring or maiming for kicks.

The retention of capital punishment may not be a unique deterrent, as some say, affecting to any degree the rate and incidence of murder. I have been told by criminals that as a class they will get away with as much as they are allowed to. They will go to the hilt within the framework of what they consider safe and worth the risk. Why be afraid of using violence that can lead to murder when there is the inviolable backstop that the worst that can happen is full board and lodging for a comparatively few years, and then back into circulation again? One multiple murderer said to me some years ago, "What do they think we are—a Sunday school class?"

There are three types of criminals, simply put: the bad, the mad, and those who are bad and mad. The mad merit mercy, care and treatment, and should never hang. The bad and mad, almost without exception, require the same. Both groups need care and attention in special institutions for their own safety as well as that of the public. The bad (and let's face it, not all murderers are mad; some come within the category of bad) should also come within the ambit of the law as it now stands, their lives being possibly forfeit.

An ancient philosopher said, "About some things it is not possible, if society is wise, to make a universal statement which shall be valid and correct in all circumstances." I suggest this is very sage advice in the matter we are discussing now.

One reason often given for the abolition of capital punishment is its finality. This is a reasonable point. The case of Timothy Evans, which was cited by the Minister, is the one usually advanced. Was he wrongfully accused and hanged for the murder of his wife, a crime to which a notorious modern murderer, Christies, later confessed? Evans was posthumously acquitted, although there is still considerable doubt in many quarters, bearing in mind that Christie was living in the same house as Evans at the time of the murder and was later himself hanged for more than one murder. He had nothing to lose by casting aspersions on the conduct of the law and its justice in the case concerning Timothy Evans.

However, be that as it may: I do not intend to go into that this afternoon. Everyone who discusses the abolition of capital punishment refers to the risk of a mistake. I am prepared to admit, and I am sure, that there have been one or two mistakes, but, bearing in mind the extent and degree to which the courts go to ensure that an honest and true conclusion is reached and a just sentence passed on the accused, the chance of error is very remote indeed. Further, when society equates against this risk the number of unsolved murders, I think that the rarity of a mistake is very lightweight when put forward as a major ground for abolition. So often in discussing and passing legislation we take cognizance of the majority and ignore the effect on the minority. I am not saying it does not matter if the odd person dies as the result of judicial error; it matters tremendously. But what matters more to human society (and this is what I am trying to say) is that those guilty of the offence should not be given the right at law to use the odd rare error as a release key for all other similar offenders.

The Chief Secretary referred to the loathsome ritual of execution and the effect it must have on officials who directly participate in it. Personally, I think this is a deeply held but irrational feeling based on sentimental emotion. For some time I was in charge of a hospital providing medical care for the prison on the opposite side of the road. This included the presence of either me or another doctor at hangings. It is not a pleasant experience, but neither are many experiences in life. The effect is not coarsening, degrading,

or all the other things said with such strong emotion. Reference was made to torture surrounding the act itself or the period of time preceding it. That would be unforgivable and inhuman, and I must add that in all I am saying this afternoon, I am using as a background the system and method we understand as the British system of hanging. I am not concerning myself with other methods of legally terminating life, such as are used in America and elsewhere. I will not even speak of them. I know that many a man who has been given what would be the standard treatment of confinement in prison if this Bill passes and becomes law regards it as a most torturous procedure. Although I have no interest in or any desire for vengeance, I believe most sincerely that society has a right and a duty to keep on the Statute Book a measure which, by its presence, gives due warning to the whole community that no man trifles with another's life without receiving, as a just and due sentence, the possibility of forfeiting his own.

I realize that there are many people who hold opposing views. I also realize that there are just as many whose views I have tried to express. There are those who would like to abolish the death penalty for all but a selected list of crimes—two grades of murder, in fact. Such people list rape, brutal murder of the elderly or of policemen or prison warders as meriting the death sentence. Personally, I do not hold this view, although I can see its validity. I personally believe that capital punishment should remain on the Statute Book in South Australia not as the penalty for murder but as a penalty. Its use would not be general or often, but its availability would be a warning to those who plan crimes that carry with them the possible risk of murder of the victim.

I said earlier that my remarks would relate almost entirely to capital punishment. However, I wish to say just a word or two about corporal punishment. I agree that leg irons and that sort of procedure are as antiquated as was the use of strait-jackets in Broadmoor 20 years ago. It may seem strange to honourable members that such an institution as that, housing not far short of 1,000 people, does not now have such a thing as a strait-jacket.

I have expressed my honest convictions on this debatable subject. As I have said, I realize that many people will differ from me, and I respect their feelings and opinions. I oppose the Bill as it stands, although I would support a separate measure to do away with corporal punishment.

The Hon. F. J. POTTER secured the adjournment of the debate.

ADJOURNMENT

At 5.13 p.m. the Council adjourned until Wednesday, February 24, at 2.15 p.m.