LEGISLATIVE COUNCIL

Thursday, February 25, 1971

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

ASSENT TO BILLS

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

Apprentices Act Amendment,
Citrus Industry Organization Act Amendment,
Commonwealth Places (Administration of Laws),
Dangerous Drugs Act Amendment (General),
Eight Mile Creek Settlement (Drainage Maintenance) Act Amendment,
Festival Hall (City of Adelaide) Act Amendment,
Harbors Act Amendment,
Holidays Act Amendment,
Industrial Code Amendment (No. 2),
Kingswood Recreation Ground (Vesting),
Land Tax Act Amendment,
Local Government Act Amendment,
Lottery and Gaming Act Amendment (Betting),
Marine Act Amendment,
Medical Practitioners Act Amendment,
Mines and Works Inspection Act Amendment,
Nurses Registration Act Amendment,
Parliamentary Superannuation Act Amendment,
Sewerage Act Amendment,
South-Western Suburbs Drainage Act Amendment,
Stock Exchange Plaza (Special Provisions),
Succession Duties Act Amendment,
Superannuation Act Amendment,
Supreme Court Act Amendment,
Waterworks Act Amendment,
West Lakes Development Act Amendment,
Wheat Delivery Quotas Act Amendment.

QUESTIONS

TRADE PROMOTION CENTRES

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. C. M. HILL: A report on the front page of today's *Advertiser* headed "State Trade Centres 'Wasteful'" indicates that the Chamber of Commerce has issued a publication in which severe criticism is made regarding the possibility of gross duplication by the States, and I believe including this State, in the appointment of trade promotion representatives overseas in areas that are already being served by Commonwealth Government trade representatives. Therefore, I seek further information on this matter: first, what is the total annual cost of maintaining South Australia House, including the Agent-General and his staff, in London; secondly, what is the total number of new overseas appointments made by the present Government for trade development purposes since the Government took office and the estimated annual cost of each appointment or office to the State; and thirdly, are these appointees serving in any areas that are not covered by Commonwealth trade representatives?

The Hon. A. J. SHARD: I will refer the question to the Premier and bring back a reply as soon as practicable.

BAROSSA WATER SUPPLY

The Hon. M. B. DAWKINS: I seek leave to make a statement prior to asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to what is known as the Gawler River and Two Wells water main, which is part of the Engineering and Water Supply Department's system from the Barossa reservoir. This main is very old and quite inadequate and has been overdue for replacement for some time. My colleague, the Hon. Mr. Hart, and I have been seeking some decision on this matter for several years. The position is made more difficult because there has been no possibility of additional services being connected to the main for a considerable period, and quite a number of people need these services. Will the Minister of Agriculture ascertain from his colleague when this main is to be replaced?

The Hon. T. M. CASEY: I will refer the question to my colleague and see whether he can ascertain exactly when this matter can be brought to some finality.

EGGS

The Hon. R. A. GEDDES: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: I noticed in the press recently that the Minister of Agriculture, in co-operation with the Ministers of Agriculture in other States, had agreed to form

a quota system in regard to the distribution of eggs within Australia and that South Australia itself will get a hen quota to which the growers will have to conform. In view of the serious difficulties now facing primary producers, I envisage that many people who may not have been producing eggs for sale under licence prior to 1970 will want to come back into egg production. Can the Minister say whether provision will be made in the South Australian quota for people who may wish to return to the egg-producing industry?

The Hon. T. M. CASEY: I should like to make it quite clear that the quota will be on hens, not eggs. This was decided almost unanimously in the Agricultural Council, although I must admit that the Victorian Minister expressed that State's attitude as being that if that was what all the other States wanted it would agree to it and come into line with the rest of Australia. At present Western Australia, having conducted a poll of producers last year, has its own scheme to control egg production there. The situation is that New South Wales will draw up legislation as a guide for the other States to follow, not necessarily item by item, because naturally the circumstances will differ from State to State. However, basically an Australian authority will be set up to determine the hen quota for each State, and it will then be each State's responsibility to work out the quotas for individual producers.

Of course, there has to be a starting date for this scheme. From memory, the date that was suggested as the deadline date was November 26 last year, when the Commonwealth statistics regarding the number of hens in each State were finalized and made available. A type of phasing-in programme will be necessary. Of course, we will have to do some liaison with the other States to determine just exactly how this will be arranged. I think that people who want to come into the industry in the future would be well advised to leave it alone, because once quotas are introduced the situation will be similar to that of the wheat industry, which is now a restricted one. Once an industry becomes restricted, one just cannot get into it.

EXPORT

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. L. R. HART: An article in this morning's *Advertiser*, under the heading "Export Tips", states:

South Australian companies should make use of taxpayers' funds to improve their exporting ability, the chairman of the South Australian Industrial Development Advisory Committee (Mr. H. N. Roscrow) said yesterday. At a Rotary Club of Adelaide luncheon, he said companies should draw on the research and advice of Government-supported institutions such as the CSIRO and Industrial Design Council. They should also try to improve their export profits by exploiting differences between Australia's laws and attitudes and those of other countries. As an example, Mr. Roscrow said South Australian companies could seek incorporation in the U.S.A to take advantage of the much lower rate of company tax.

Mr. Roscrow holds an important position within the Government departments, and it is rather alarming that he should suggest that companies should take any advantage of our laws to avoid paying the full rate of tax imposed on companies in this country. Can the Chief Secretary say whether the Government holds views similar to those of Mr. Roscrow?

The Hon. A. J. SHARD: From my knowledge, I think certain companies in Australia would not want any of Mr. Roscrow's views to evade the company laws. However, as Mr. Roscrow is not under my control but is under the control of the Premier and as it is a question whether the Government supports his views, I will take up the matter with my colleague and bring back a reply.

CANCER

The Hon. V. G. SPRINGETT: I seek leave to make a short statement before asking a question of the Minister of Health.

Leave granted.

The Hon. V. G. SPRINGETT: Earlier this session I asked a question of the Minister about the possibility of making notifiable certain types of cancer, primarily for research and statistical purposes. The Minister said he would make inquiries. On November 10 of last year, he informed us that inquiries were being made and he referred to the scheme then being set up in New South Wales. Can he now say whether details have been obtained? If so, have they been examined by officers of the Public Health Department, and is it possible for him to make a report?

The Hon. A. J. SHARD: I am unable to say at the moment whether that report has been received and considered. However, I will take up the matter with departmental officers and let the honourable member have a reply as soon as possible.

OVERLAND CLUB CAR

The Hon. C. M. HILL: I have been waiting with patience and understanding since I asked a question on November 26, 1970, for a reply from the Minister of Roads and Transport, through his colleague in this Chamber. I understand he now has an answer, and I ask for it.

The Hon. A. F. KNEEBONE: The honourable member asked a question about types of carriage being adapted in the Islington workshops for cafeteria-type service on the South Australian Railways. If I had given an answer any earlier, it could have been an estimate of when these carriages would be available but, as a result of withholding the answer for some time, I am now able to inform the honourable member in the following terms:

Two second-class coach cars have been converted to provide a section in each which accommodates a cafeteria counter for the sale of foodstuffs and beverages on a "take-away" basis. These two cars began service on the Overland on Monday, February 22, 1971. A third car is being converted and will be on stand-by.

MENINGITIS

The Hon. R. A. GEDDES: It was stated in this morning's press that a second confirmed case of meningitis had occurred at Port Pirie, and two people had been admitted to hospital. Can the Minister of Health indicate to the Council what action his department can take in regard to this outbreak and assure the Council at the same time that everything possible is being done to make sure that the infection will not be allowed to spread further?

The Hon. A. J. SHARD: I am not quite clear what action or what part the Health Department can take under conditions such as these, because of the activities of local boards of health; but I assure the honourable member that I will take up the matter with Dr. Woodruff, Director-General of the Health Department, to see what has been and can be done. I shall be happy to inform the honourable member of the results of my inquiries.

CHAMBERS CREEK

The Hon. C. M. HILL: Has the Minister of Agriculture a reply to the question I asked on February 23 concerning the problems of the District Council of Barmera and the regulator at Chambers Creek?

The Hon. T. M. CASEY: My colleague the Minister of Works has advised the Barmera council that on a falling river a considerable volume of saline water from Lake Bonney enters the main stream, and one means of preventing this, of course, is by the installation of regulator gates. However, the whole question of the need for salinity control works along the River Murray from Cadell to the Renmark/Chaffey area is subject to a feasibility study by the Engineering and Water Supply Department, and the proposal for regulator gates is only one of the alternatives being examined.

Before any scheme could be formulated, a great deal of investigation would be required. This investigation will include a salinity survey of the lake and a study by the Fisheries and Fauna Department of the existing ecological conditions in and around the lake in order to determine the possible effect on the lake if it was isolated from the river system by regulator gates. It is stressed that only preliminary investigations are being made into ways and means of dealing with the problem, and, before any comprehensive scheme could be carried out, it would have to be investigated by the Parliamentary Standing Committee, which would consider any objections received from interested bodies.

MOTOR VEHICLE SAFETY

The Hon. L. R. HART: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. L. R. HART: An article appearing in this morning's press under the heading "Lagging in Car Safety" reports that the Commonwealth Minister for Shipping and Transport, Mr. Nixon, said last night in addressing a dinner of the Federated Chamber of Automotive Industries that Australian car makers lagged behind manufacturers overseas in safety developments. He urged motor industry leaders to accelerate the design and production of safer cars. Mr. Nixon went on to say that the public was often in two minds about safety factors because of the price, but safety features could save lives, and he said, "If that is not a good selling point, I do not know what is."

In view of our present concern for road safety and the roadworthiness of vehicles, I ask the Chief Secretary whether the Government does have conferences from time to time with manufacturers of motor vehicles in South Australia regarding safety features. I ask this because South Australia is one of the leading Australian States in the manufacture of motor vehicles.

The Hon. A. J. SHARD: I think in all fairness this question should be answered by the Hon. Mr. Kneebone, who represents the Minister of Roads and Transport in this Chamber.

The Hon. A. F. KNEEBONE: I think I can answer the question. An Australia-wide conference is held each year, and usually more than once a year, between the Ministers of Transport for each State and the Commonwealth. The Australian Transport Advisory Council is meeting in Adelaide this week. It has a number of subcommittees which are repeatedly discussing safety features with car manufacturers. This goes on all the time with regard to the introduction of safety devices. The advisory council makes decisions in regard to car safety, and discussions are held all the time with car manufacturers in this regard.

AIRCRAFT OFFENCES BILL

Adjourned debate on second reading.

(Continued from February 24. Page 3515.)

The Hon. C. R. STORY (Midland): I support the Bill. As was pointed out by the Hon. Mr. Hill and by the Chief Secretary in his second reading explanation, this Bill is complementary to Commonwealth legislation. We are all very much acquainted with the problems that have recently been encountered all over the world in regard to the hijacking of expensive aircraft and the inconvenience that people suffer as a consequence. In the southern States of America when one is travelling on an aircraft one is not at all sure where one will land. In America special schools have been set up to train people in the art of preventing hijacking.

When I was in that country every article I owned was inspected before I boarded an aircraft, and I went through the same kind of procedure in Thailand, too. When one found at Bombay that there were only five passengers left on a super jet that was bound for Israel, it did not fill one with tremendous confidence. Consequently, a Bill of this type must be introduced even in a reasonably peaceful country like Australia. It behoves South Australia to come into line with all the other States and support the Commonwealth Government in doing what is so necessary in the interests of public safety.

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

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

Adjourned debate on second reading.

(Continued from February 24. Page 3516.)

The Hon. C. M. HILL (Central No. 2): Many of the points that have already been raised in this debate need little further emphasis. Some points made during the debate on the Age of Majority (Reduction) Bill are relevant to the debate on this Bill, too. Points relating to confidence in the young people of today, better opportunities for youth, the standard of education, and the psychological and physical maturity of people, have all been raised; and, last but not least, the very important aspects of responsibility and irresponsibility have been canvassed.

My general view on this question is greatly influenced by the idea that responsibility and irresponsibility are self-generating. If we give a person responsibility, that person will tend to behave responsibly. The first and most important amendment to the principal Act that this Bill makes is the amendment to section 33 of that Act, which deals with the qualifications of electors for the House of Assembly. Secondly, the Bill amends section 42 of the principal Act, which deals with the oath of allegiance and, thirdly, it amends section 44, which deals with the disqualification of judges and ministers of religion from being members of Parliament.

The amendment to section 42 seems to be formal, and the amendment to section 44 means that ministers of religion will be entitled to become members of Parliament or, as the principal Act states, "be capable of being elected a member of the Parliament". I do not have any objection to ministers of religion being elected members of Parliament. I do not know whether they would altogether relish the rough and tumble of this life, nor do I know how they would react to the frustrations that are sometimes heaped upon honourable members. Nevertheless, as honourable members know, the life can be rewarding, because it gives the great satisfaction that comes from this form of community service.

From inquiries I have made it seems that ministers of religion can become members of Parliament in some other Parliaments. A Church of England minister is a member of the United Kingdom Parliament, and I believe that a Roman Catholic priest is a member of the Congress of the United States of America. It follows that, if clause 5 is

passed, we will not be alone in providing an opportunity for such gentlemen to seek preselection and stand for Parliament.

The major amendment that this Bill makes to the principal Act is an amendment to section 33, which provides that people are entitled to vote if they are enrolled for the House of Assembly. Of course, at present they must be at least 21 years of age. The Bill provides that people, if enrolled, would be entitled to vote if they were at least 18 years of age. The first point I make under this heading is that I wonder why the Government has provided for this change to apply only to the House of Assembly.

I consider that people of the age of 18 years and upwards also should be entitled to vote for the Legislative Council, if there is to be a change. It seems to me that both Houses ought to be considered on this point at the one time. Section 21 of the Constitution Act covers the Legislative Council, and only a relatively simple change would be necessary to permit people from the age of 18 years upwards to vote for members for this Chamber.

In general principle, I favour the opportunity being given, provided that other machinery measures, on which I shall touch as I proceed, can be ironed out and fulfilled. I strongly support the principle which has already been mentioned in the debate that the voting by 18, 19 and 20-year-olds ought to be voluntary, and not compulsory, as would be the case if the Bill were passed in its present form.

I am a strong believer in voluntary voting in all fields of government, whether it be local government, State Government or Commonwealth Government, and I object strongly to people being compelled by law on election day to present themselves at the poll and to have their names marked off the roll.

Individual citizens should have a free right to choose to cast a vote, if they so wish. I am convinced that the vast majority of young people in this State, if given the opportunity to express their view on whether they should be compelled to vote or be given the opportunity to vote voluntarily, would support the system of voluntary voting.

To take the matter a step further, I say that, although it may take some time (and I do not want to give the impression that I am too unrealistic in this matter), the day will come when there will be a great surging demand for voluntary voting throughout the whole of Australia and, when it comes, I hope that its supporters and those who bring it forward will ultimately be successful.

Everyone will then not be compelled or forced to become part of an undemocratic process and be made, under penalty of the law, to do something for which they should have a free choice. I brand the saddling of the young people of the State with this compulsion as being completely undemocratic. While it may not be easy for amendments to be made (although it should not be impossible), because the Electoral Act itself may be involved, moves that have already been mooted in this debate along these lines will, in Committee, receive my full support.

In general terms, I favour the principle of 18-year-olds having the right to vote in the same way as I favoured young people having other opportunities and privileges in fields mentioned in another Bill before the Council. When one looks at the Bill before us, one sees that great complications would arise if it were passed in its present form.

These difficulties became abundantly clear to me when I read some of the debates that took place in the Western Australian Parliament on November 12, 1970, when the then Premier (Sir David Brand) introduced a Bill to give young people over 18 years of age in that State the right to vote in State elections. I will read some paragraphs from his speech, because they clarify the point to which I am leading up. The Premier said:

> The matter of altering the voting age was referred by the Premiers' Conference to the Standing Committee of Attorneys-General on two occasions. The first was just prior to the meeting of the standing committee which was held in Perth in early November, 1968. The second was in June, 1970. The latter submission was considered by the standing committee at its meeting in Sydney in July, 1970.
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> It was known that the standing committee had under consideration the matter of the general age of legal responsibility and it was probably considered that this study would have prepared the Attorneys to comment on the legal implications of any change in the voting age. All Attorneys agreed that this was a policy matter and essentially one requiring a decision of Commonwealth and State Governments.
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> At the July meeting the Attorneys agreed that they could report as follows:
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> > . . . Attorneys-General unanimously agreed that there is no legal obstacle to a reduction of the voting age or of the age of general legal responsibility by the Commonwealth or the States in relation to matters within their respective competence.
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> > . . . Attorneys-General also consider that it may be necessary for the Commonwealth to study the possible implications of a reduction in the age of general legal responsibility by any one or more States, upon the right to vote in Federal elections in such State or States, having regard to Section 41 of the Federal Constitution. Section 41 of the

Constitution of the Commonwealth is as follows:

No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

Section 41 actually confers a right to vote, a right which may not be disturbed by any law of the Commonwealth. It follows—at least in theory—that the exercise of this right will not be prevented by any failure to alter the Commonwealth Electoral Act to take account of such a right.

However, it is obvious that until there is some authoritative ruling as to who have rights under section 41, those administering the Commonwealth Electoral Act will be bound to abide by the letter of that Act. In other words, the authority administering the Commonwealth Electoral Act will not be competent to decide for itself that a person whose age is less than the minimum age for voters prescribed in the Act, has an entitlement to vote pursuant to section 41 of the Constitution. The path could be securely cleared if the Commonwealth Electoral Act was amended.

The point that was made was that in theory at least, and possibly in practice, if a State passed a Bill similar to the one before us the young people of this State might have the right automatically to vote in Commonwealth Government elections. However, in a State in which a Bill for the age of majority has also passed, it seems that that right becomes even stronger and more significant. In speaking in reply to the Premier in the Western Australian debate, the Leader of the Opposition there said:

I have had a look at the Commonwealth Constitution, and I agree with what the Premier said, that is, the enfranchisement of people whose age is not less than 18 years in Western Australia would, as matters stand, entitle such persons to vote in a Commonwealth election even though no amendment to Commonwealth law had been effected by the Commonwealth Parliament. It would appear, though, that some difficulty would be experienced in actual practice, and one would reasonably expect that upon the enactment of our legislation the Commonwealth would feel disposed to take some action itself to regularize the situation. However, I have no doubt, from my reading of the Constitution, that it is intended that once a person is entitled to vote for State elections he is *ipso facto* entitled to vote for the Commonwealth elections, whether or not the Commonwealth provides for this.

In that debate, some interjections and arguments that took place highlighted the point that "adult" in the Commonwealth Constitution is not clearly defined. Therefore, it appears to me that it is completely uncertain whether the young people of the State will have the opportunity to vote for the Commonwealth elections if this Bill passes. It is even more uncertain here than was the case in Western Australia, because in that State the Government had not passed an age of majority Bill. So the real confusion on this point will occur here in South Australia if this Bill passes.

I criticize the Premier, while acting for the Government, for his intentions in this matter. If this Bill and the other Bill dealing with the age of majority pass, the Premier will tell the young people of this State that in his view and in the view of his Government those people will have the right to vote in Commonwealth elections. Those young people will be told to fill in a form for the Commonwealth to enrol and to vote. Some will follow this advice while others will not, and a great number will be utterly confused and will not know what to do.

The publicity that will flow from such an announcement and such encouragement to young people of this State will simply rock the nation, and it will be far greater than that generated by the Premier when he criticized the Prime Minister and the Commonwealth Government on that Government's immigration policies while the international conference was being held in Singapore. Whilst all this is going on, and whilst the public debate will range throughout Australia on this matter, the unfortunate people in the middle of the sandwich will be the young people of this State.

I do not intend to vote for such a position to occur. Such a situation is completely unfair when we look at it from the point of view of the young people of this State. It will be at their expense and it will be in this climate of utter confusion that this point and this debate about whether people in this State can or cannot enrol and subsequently vote for Commonwealth elections will be pursued.

Surely, if we want to help the young people of this State in this quite major step of voting for members of Parliament, whether it be for State elections or for both State and Commonwealth elections, the situation must be made absolutely clear before we make the change. That is the only fair way to treat the young people of this State.

The Hon. T. M. Casey: You would be putting yourself out of line with the other States, wouldn't you?

The Hon. C. M. HILL: I fail to see how I would be doing that. For the benefit of the Minister, I will read the position as it applied

on this very point in New South Wales when the Chief Secretary introduced his Bill. He said:

Because of the joint roll agreement, whereby the same electoral roll is used for both Federal and State elections, it will be seen that the operative date—

I interpose here to say that this is part of the debate on the Bill to give voting rights to people over 18 years of age in New South Wales.

The Hon. T. M. Casey: This is for the House of Assembly, of course.

The Hon. C. M. HILL: Yes.

The Hon. T. M. Casey: It would not be for the Upper House there.

The Hon. C. M. HILL: The Minister, knowing that he is cornered, is not going to drag any red herring across the trail. I will pursue this matter, and I hope that he will be impressed by what he hears. The Chief Secretary in New South Wales went on to say:

It will be seen that the operative date is largely dependent upon the attitude of and co-operation from the Commonwealth Government. I am hoping, however, that it will not be long before all Governments throughout Australia have enacted similar legislation and have agreed upon a common commencing date that is acceptable to all and inconvenient to none. Should it be found impossible to arrange for such uniform action, the Government of New South Wales will have to reconsider its position, though I feel it is unnecessary to cross that bridge before we come to it, as I am confident that agreement will soon be reached throughout Australia. I might say that those who advocate immediate and unilateral implementation of this important legislation are either very impractical or simply trying to catch votes without any sense of responsibility. For New South Wales to proceed alone in this way at this stage would necessitate a termination of the joint roll agreement or the creation of a separate State electoral roll for those aged between 18 years and 21 years, with the consequential enormous task of transferring all persons on this separate roll, one at a time, to the joint roll as each attained 21 years of age. The administrative staff work and the cost would be out of all proportion to the benefits derived, especially as I am confident that the same purpose can be achieved by exercising a little patience in waiting for other Governments to come into line with our thinking.

That was the reaction and that was the attitude adopted by the responsible Government of New South Wales, and that, in my view, ought to be the attitude of the Government of this State.

The Hon. T. M. Casey: Western Australia has already given 18-year-olds the vote, hasn't it?

The Hon. C. M. HILL: That is true. However, as I said earlier, Western Australia is not in the same dangerous position as we are, because it did not put through an age of majority Bill. As the Premier of Western Australia said in his speech, it is when an age of majority Bill is passed in the State that the position regarding Commonwealth voting becomes completely unclear, and there is a great possibility (although there is no certainty) that young people will be able to vote in Commonwealth elections. Incidentally, that was not Sir David Brand's opinion: he was quoting the views expressed at a meeting of the Attorneys-General that was held during the time this Government has been in office.

That meeting took place in Sydney in July last year, a fact that is very relevant. It was at that meeting, at which the Minister's own Attorney-General was present, that this grave doubt was expressed, namely, that no-one knows with certainty what the position of the young people is if the State passes an age of majority Bill as well as a Bill to give voting rights to those over 18 years.

The Hon. T. M. Casey: But Western Australia did not wait.

The Hon. C. M. HILL: I have just pointed out the difference between this State and Western Australia, which is that in this State the two Bills have been introduced at the same time. Why was it done here? It was done because the intention was there. Nothing along these lines was mentioned by the Chief Secretary, representing the Government, when he introduced the Bill.

As a matter of fact, the second reading of this Bill, considering its importance, was of record brevity. I have read and reread it, and I cannot find that any of these problems was mentioned. We in the Council were not given any lead to investigate this problem. I return to the original accusation I made, that these two Bills have only to go through and the great proponent of nation-wide publicity will make another plunge forward. If he wishes to plunge in this matter, that is his business but, as far as I am concerned, he is not going to plunge at the expense of the young people of South Australia.

So, first, we must be cautious in the matter. Secondly, in some way the introduction of the measure must be delayed until the Commonwealth introduces legislation, and then all these doubts and fears will be resolved.

The Hon. R. C. DeGaris: Is the honourable member suggesting that, if the Age of Majority (Reduction) Bill and the Constitution Act Amendment Bill go through, the 18-year-olds

will be compelled to enrol on the Commonwealth roll in South Australia?

The Hon. C. M. HILL: I do not know whether or not they will be compelled to enrol. That is a question that is impossible to answer, because the Commonwealth cannot alter the Commonwealth Constitution just like that.

The Hon. F. J. Potter: It will have to go to the High Court.

The Hon. C. M. HILL: Yes, for a definition of the word "adult".

The Hon. Sir Arthur Rymill: Would the Commonwealth form be able to include 18-year-olds as it does now with 21-year-olds?

The Hon. C. M. HILL: I do not know.

The Hon. A. J. Shard: He is not Sir Garfield Barwick, you know!

The Hon. C. M. HILL: All these interjections raise queries to which we need the answers.

The Hon. F. J. Potter: Does the honourable member know which States have a joint roll?

The Hon. C. M. HILL: No.

The Hon. F. J. Potter: Western Australia does not; I do not know about the others.

The Hon. C. M. HILL: Many answers are required before the Council can pass this Bill, which affects people who have not been informed on this at all.

The Hon. R. C. DeGaris: And who, in many cases, do not want to be.

The Hon. C. M. HILL: That is so. It affects people who may not want to be involved. It can force people to take responsibility when they do not want to. We want to give responsibility to them but, if we foist this sort of thing upon them, what will they think of the Parliament of this State, of which this Council is a part? They will have every right to think that we are foisting upon them obligations not knowing exactly what those obligations are. It is not fair to the young people of South Australia that that should happen. So I repeat that, in general principle, I favour the 18-year-olds being given the right to a vote for both Houses, but I want to see the machinery that introduces such a measure clearly understood beyond all doubt so that problems and confusion will not occur amongst these young people.

Lastly, I repeat that the only democratic manner in which these people should be given the right to vote is to give them the right to vote voluntarily. They should be given the opportunity and freedom to choose for themselves whether or not they wish to exercise this privilege. We hear much about freedoms today. Some freedoms are being given to the people of this State, and some taken from them, but the freedom to choose to vote is basic and should, in my view, be insisted upon by this Council.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

AGE OF MAJORITY (REDUCTION) BILL

Adjourned debate on second reading.

(Continued from February 24. Page 3517.)

The Hon. A. M. WHYTE (Northern): I rise to make some comments on this Bill, which is of such great importance to the younger generation of our State. I listened with great interest to the Hon. Mr. Hill when he spoke yesterday on this matter and was impressed by the eloquence with which he put forward the argument which I believe is the one I want—and I was disappointed when he wound up by saying that he supported the Bill. It is so hard to define exactly what is desired of this legislation. True, there have been committees throughout the world investigating the necessity of reducing the age of majority from the present (as it is in most countries) 21 years of age. Some countries have reduced it to 20 but, in each case where there has been a committee of investigation, it has found it hard to adduce substantial evidence that the change will benefit either the country or the people who will be so vitally affected by it.

We hear much about exploitation, how Aborigines have been and are being exploited, but there has never been a group more exploited than the youth of today. They have been commercialized in every advertised fashion we can think of, and now we find they are being exploited by a Parliamentary system and our politicians. I do not know of any legislation, apart from this, where the group of people most affected by it has not had some say in it, either through its associations or through its committees. Invariably, such people have approached politicians and Parliament to have the relevant legislation amended. I defy any portion of this Parliament to tell me where it gets authority from the youth of South Australia to reduce the age of majority. I believe this proposal has been used in the hope that it will get some favour from those young people. I doubt very much whether it will achieve what it set out to do. In some ways, it is a means of wriggling out of our adult responsibility; we want to hand over and wash our hands of the family responsibility. I believe an argument could be made out to reduce the age of majority by one year, to the age of 20, which has been adopted

by various countries in Europe. The odd year has always seemed strange to me. I made some attempt to explain its origins yesterday when speaking on the Constitution Act Amendment Bill. According to the historians, it seems that at about the age of 20 a youth was able to bear the arms necessary to be taken into battle, his stature before that age not being great enough. Then they gave him a year in which to tidy up his affairs before they sent him off to battle.

Another story is that the Romans divided their children into three age groups—up to the age of seven, up to 14, and up to 21, at which age they became adults; so that it can be seen that those age groups were based on the figure 7. However, there does not seem to be any need today, especially when we work in decimals, to go beyond the age of 20. I believe a strong case can be made out for this, as is done in the Latey report, which contains some very interesting reading, and which was compiled over a period of two years by a committee of highly qualified members. The line of decision was so fine that two men who had served on the committee for the whole of that time came out against the majority ruling.

One can use parts of any report, taken out of context, to bolster up any argument. However, I quote from page 32:

A survey carried out by National Opinion Poll Limited under the aegis of the Government Social Survey showed that whilst the sample of young people between the ages of 16 and 24 interviewed favour the retention of 21 years on some subjects and are evenly balanced on others, the preponderant view favours 21 in the broad ratio of two to one.

Here again, it is obvious that the young Britons did not have any say in the legislation. On the subject of free marriage, we see on page 34 of the report:

The second and deeply disturbing one is that removing the requirement of parental consent would have the effect of undermining parental authority still further and even encouraging bad parents to wash their hands of their children at the first sign of teenage trouble.

I think this bears out what I said earlier: rather than giving responsibility to our youngsters we are shirking our part as responsible parents.

I believe an extract from the *Law Reform Committee Report on Infancy in Relation to Contracts and Property*, conducted in New South Wales, is worthy of some comment. As reported in the *Age* of August 8, 1969, the report says:

The trend of earlier maturity started about the middle of the nineteenth century. The trend is for young people to mature about a year younger than those born 30 years before. Perhaps this could be so. I believe it would be subject to query and controversy, and in any case perhaps it would substantiate the argument for reducing the age by one year to bring it to 20, in conformity with many of our other social aspects.

The Government will not convince me that we should reduce the age of majority. It is fraught with great dangers. It is fraught, too, with a loading of undesired responsibility not only on the youngsters, but also on the parents. Because a young man or woman has the right to sign a contract, if he is left with it his parents will come to his assistance, but under our present law parents have some warning and they have the opportunity to approach the young person to try to talk him out of entering into something that could lead to trouble. If we pass this measure young people will be able to sign contracts without consulting their parents, and the parent is then left with the responsibility of getting them out of it in the best way possible.

The Hon. G. J. Gilfillan: A moral responsibility.

The Hon. A. M. WHYTE: Yes. I believe it is upon the parents that it will fall. They are not going to abandon one of their offspring who finds himself in trouble because he was conned into signing for something he did not want. They are not being conned into this legislation, because they are not getting an opportunity to say whether they want it or not. Had the State been approached generally by referendum, or the 17-year to 20-year age group had had a right to decide whether they wanted this legislation, I would have been happy to abide by the majority decision, but this has not been the case. These young people are being utilized unfairly once more, and I believe it is to their detriment. There is nothing more I wish to say, except that I intend to attempt to have this Bill amended so that the age is made 20 years.

The Hon. R. A. GEDDES secured the adjournment of the debate.

BUILDING BILL

Adjourned debate on second reading.

(Continued from February 24. Page 3518.)

The Hon. R. A. GEDDES (Northern): I rise to speak to this important Bill—important because the building industry must be one of the largest operating in South Australia. A statement in this morning's paper announced that present indications are that between

12,000 and 13,000 homes will be built in South Australia in this financial year, and that the industry in 1970 spent $224,700,000.

The building industry to a degree is a fragmented industry. We hear of giants like B.H.P. or I.C.I. talking in figures of $224,000,000, but their operations are within an entirely different concept from those of the building trade. Because of this fragmentation I can understand that some building controls are necessary, and I can understand also why an authority was set up in 1964 to produce a uniform building code outlining standards of building and building work. The hope that this type of legislation will become operative throughout the Commonwealth is one of the aims this committee set as its target.

Australia has the largest percentage of private homeowners in the world. It is said that our medium cost homes are equal in standard to any in the world. We have much to be proud of in the performance of our building industry in the past; we have much for which to be hopeful in its performance in the future. The building industry is fraught with problems brought about by changes in economic conditions and credit restrictions. The peaks and troughs in a graph of the profitability of the building trade reflect the policies of monetary authorities. In yesterday's *News* Sir Albert Jennings, the head of A. V. Jennings Industries Limited, one of Australia's largest building enterprises, is reported as saying:

One reason for higher land costs is the difficulty in dealing with so many local authorities. There are some 800 of them in Australia and they vary to such an extent that it is very difficult to obtain approvals for rezoning of land and so on. It costs money to hold on to land while this sort of problem is ironed out. A lot more research needs to be done to enable more standardized regulations and attitudes of these local authorities.

Clause 5 provides:

. . . the provisions of this Act shall apply throughout each area within the State.

It is later made clear that this provision relates to local government areas. This kind of provision is contrary to the accepted pattern of legislation that we have been accustomed to in this Parliament. It is contrary, too, to the provisions in the old Building Act, under which councils could ask that their area or a part of their area be brought under that Act. The blanket provision in this Bill will produce many complications. In his second reading explanation, the Minister said that it was not intended to write everything possible into the Bill; instead, it was intended, by regulation, to provide for flexibility in the building trade. In his second reading explanation, he said:

The detailed requirements, which will establish the standards to which buildings and building work must conform, will be established by regulation, in which form they may be more easily amended as changes are made in the nature of building materials and in building science and practices.

At present Parliament has no knowledge of what areas will be included under the blanket provisions of clause 5. Does it mean that plans and specifications of every farm shed must be sent to the local council? Does it mean that inspectors' powers for condemning buildings shall apply to every small country town that is dying on its feet? I would be far happier if the old order were maintained and councils that wished areas to be brought under the Act could make a request accordingly. Clause 8 (2) provides:

The owner shall furnish the council with such calculations of stress, and such other technical details of or relating to the building work or the proposed building or structure, as may be prescribed, or as the building surveyor may, by written notice served upon the owner, require.

How can an owner furnish the council with calculations of stress if he did not have an architectural design in the first instance? Does the Government wish that every structure must first be designed by extremely competent people so that it will conform to the stresses to which this clause refers? These points concern me from the viewpoint of cost. I can understand that this type of information may be needed in the metropolitan area and in larger country towns and cities. However, is the provision really necessary in connection with the humbler home on a rural property or in a small country town? Perhaps the Bill should provide that in certain circumstances councils do not have to insist on this requirement. Clause 9 (7) provides:

If the council refuses to approve any building work (either because the building work does not comply with this Act or pursuant to this section or any other provision of this Act) it shall give notice in writing to the owner stating the reasons for its refusal, but where the building work does not comply with this Act, the council shall not be obliged to state in detail the particulars in which the building work does not comply with this Act.

If a person has submitted a plan to a council that does not comply with the legislation, surely it would not be unduly harsh to expect the council to state clearly the reasons why it has not approved the plan for building work. Clause 10 (2) provides:

A person shall not perform any building work, or cause it to be performed, otherwise than in accordance with plans, drawings and specifications approved in accordance with this Act.

The Bill provides that if a person oversteps the mark in this respect he is liable to a fine of $400. If plans have been approved and the building is architecturally designed and supervised, it may still happen that, in the course of constructing the building, the architect may find it necessary to make an alteration; this is not uncommon in the building trade. In that case, the builder is immediately liable to a fine of $400. I realize that there must be some control, but this provision is too rigid. The Bill should be more flexible, perhaps by providing that no alteration in excess of a stated value may be made. If work has to be stopped because it is desired to make a change, much delay could be caused, particularly when the busier councils are involved. Clause 12 (1) states:

Where by reason of an emergency endangering any person, building or structure any building work must be performed without approval as required by this Act, it shall, notwithstanding any other provision of this Act, be lawful to perform the building work subject to the condition that as soon as practicable after its commencement (and in any case not more than three days after its commencement) written notice of the building work is served upon the council.

Here again, if a wall started to endanger life on a Friday morning the builder may be breaking the law, because he might not be able to get his advice to council before Monday. A little more flexibility is needed or, perhaps, we should insert the words, "as soon as practicable, council shall be notified that, because of an emergency, certain actions took place".

The Hon. A. F. Kneebone: How do you interpret that?

The Hon. R. A. GEDDES: I put two alternatives to the Minister: one, at least seven days notice should be allowed for the builder to give notice to council. How do I interpret "as soon as practicable"? I suppose the same way as the Bill interprets power of entry; there is no time limit when the building inspector may come. He may come three or four months later; it is not specified. I understand that the time specified in the old Act was three months. It is difficult for me to say what is "as soon as practicable" and it is also difficult to say when the inspector should cease to look at a building. Clause 17 states:

Where—

(*a*) in the performance of any building work anything is done in contravention of this Act, anything required by this Act is not done, or any condition subject to which the building work has been approved by the council is not complied with;

or

(*b*) the surveyor or a building inspector on surveying or inspecting any building work in respect of which approval has not been given as required by this Act finds it so far advanced that he cannot ascertain whether it complies with this Act,

the surveyor or a building inspector may serve on the builder engaged in the performance of the building work, or the owner of any land or premises upon which it is being performed, a notice of irregularity requiring him within a period stipulated in the notice—

(*c*) to cause anything done in contravention of this Act to be amended;

(*d*) to do anything that is required to bring the building work into conformity with this Act or the conditions imposed by the council;

or

(*e*) to cause any part of a building structure or work that prevents the surveyor from ascertaining whether the building work has been performed in accordance with this Act to be cut into, laid open or pulled down so far as may be necessary in order to ascertain whether it does so comply.

There are several problems here. There is the problem of builders, architects, owners, and possibly the bank as well, all on a tight schedule—this job must be finished. I think it would be fairer if all the requirements of the Act had been complied with as far as the local government authority was concerned—that the plans and specifications had been approved and that the inspector had been advised that the building work was to be started. If the inspector was too busy to get to the job, but he ordered later the partial demolition of the building in order to ascertain that the job has been done correctly behind the scenes, and at the conclusion of the inspection he found that the job had been done correctly, it should be council's responsibility to pay the cost of rebuilding that section of it.

If the owner, through his architect or builder, asks for this type of inspection, it is usually written into a common building contract that, if the owner requests to have a look behind the scenes, as it were, and if it means an additional cost to the builder, a charge is made against the owner. It is only fair that this

type of consideration should be given in this Bill, too. It is a normal contract between the builder and the owner that this requirement is written in. Clause 18 states:

(1) If a person on whom a notice of irregularity has been served fails to comply with that notice within the period stipulated therein, the court, on complaint of the council, may make an order against that person requiring him to comply, within a time stipulated in the order, with the notice or with such of the requirements therein as, in the opinion of the court, are duly authorized by this Act.

(2) If the order is not complied with, the building surveyor may, after giving seven days' notice to the person against whom the order is made, enter with a sufficient number of workmen upon the land or premises and do all such things as may be necessary for enforcing the order and for bringing the building, structure, or building work into conformity with the provisions of this Act.

First, there is the fact that the court must make the decision. The court order is issued and if, after seven days, no action has been taken by the owner, the building surveyor can bring in his men and do the necessary work; the charge is a charge against the owner of the land. What about the case of a pensioner whose house does not quite comply with the Act and who has a court order served on him? In due course, a building inspector brings in his men and causes undue hardship and additional costs. It would be fairer for the court, having made its decision, to continue to enact its decision instead of giving the building surveyor or inspector these additional powers. In other words, deleting subclauses (2) and (3) of clause 18 would give power to the court as to the definition of the Act and the implementation of its own order. There is considerable mention of referees, who are apparently necessary so that when the surveyors, owners and councils cannot all agree, someone else is brought in. Referees must be registered architects, qualified civil engineers, or building surveyors, so they would be costly people to engage. Clause 20 (1) states:

For the purposes of this Act, there shall be a panel of referees in respect of each area consisting of one or more persons appointed by the Minister and one or more persons appointed by the council.

This is rather vague. Would it not be far wiser if a definite two or three referees appointed by council and two or three referees appointed by the Minister, not "one or more" referees, were provided? I do not know whether the role of referee is one that is used very often. There are four or five pages of instructions that a referee must abide by. It would be a frightening and costly process if there were disagreement.

The Hon. C. M. Hill: There has been reference to them quite often in metropolitan Adelaide.

The Hon. R. A. GEDDES: Has there? A far greater cost would be charged on a building if there were a problem in the remoter parts of the State. If the Bill is not amended, buildings constructed at Cowell, Wilmington or Melrose will come into the all-embracing net of this measure.

The Hon. R. C. DeGaris: Those areas can be excluded by regulation, can't they?

The Hon. R. A. GEDDES: The local authority has to apply.

The Hon. C. M. Hill: To apply is one thing, but to be excluded is another.

The Hon. R. A. GEDDES: Yes, to be given permission to be excluded is quite a different thing. I have a query in regard to clause 40, which comes under Part VI relating to party walls. Clause 40 (1) (*c*) states:

The expense of building the party wall shall be borne by the two owners in due proportion, taking into consideration the use that is likely to be made of the wall by each owner.

I admit that my knowledge of this sort of problem is limited. However, I should like to know what would happen if a person wished to put up a high-rise block of flats or a high-rise motel right on a party wall and the property next door was a private house.

The Hon. A. F. Kneebone: The use that is likely to be made of the wall by each owner is taken into consideration.

The Hon. R. A. GEDDES: In my view, it is not spelt out very clearly.

The Hon. A. F. Kneebone: The expense would be apportioned on the basis of the use that is likely to be made of the wall by each owner.

The Hon. R. A. GEDDES: It seems to me that the owner of the house next door would be obliged to pay for foundations that would be far in excess of those required for the garden wall type of division.

The Hon. A. F. Kneebone: That is taken into consideration.

The Hon. R. A. GEDDES: Clause 51 states that all buildings and structures, the property of the Crown, shall be exempt from the operation of the Act. I know that the Crown is sacrosanct, and all that sort of thing, but it does not seem to me to be fair that while every citizen in the State will be obliged to abide by the Act the Crown will not have to take any notice of the wretched thing. What happens if the Education Department decides to erect in

a particular area a prefabricated building that is offensive to the aesthetics of that area? The council concerned would have no redress whatsoever. As this is to be an all-embracing Act, I consider that the Crown should recognize it. Why should the Crown be absolved from all blame and responsibility for ever and ever while everyone else is obliged to comply with the Act? Although the Bill is a fairly simple one, goodness knows what effect the regulations will have on John Citizen. It could be that I would have to get approval to build a new fowlhouse.

The Hon. Sir Norman Jude: You should have a look at the regulations under the Builders Licensing Act!

The Hon. A. F. Kneebone: With regulations, you would have some redress.

The Hon. R. A. GEDDES: Clause 61 provides for regulations to prescribe the qualifications that must be held by persons to be appointed building surveyors or building inspectors and to make any provision for the education, training and examination of persons who desire to obtain the qualifications necessary for appointment as a building surveyor or building inspector. The Local Government Clerks Examination Board has laid down fair but rigid examination requirements for people who wish to sit for and pass its examinations, amongst them being the requirement that a person must have passed Mathematics I and Mathematics II at Leaving standard. I know of a boy employed in local government who passed Mathematics I and Arithmetic at Leaving standard and is therefore precluded from sitting for the Local Government Clerks examination. I point out, too, that the method of teaching Mathematics has changed, with the result that this boy would have to go back to the grass roots of learning the new principles of Mathematics.

The Hon. C. M. Hill: When did this case occur?

The Hon. R. A. GEDDES: November 23 last year.

The Hon. C. M. Hill: The qualifications were relaxed. I have coming to see me soon some people who are objecting to the present requirements, so I am in complete support of what you are saying.

The Hon. R. A. GEDDES: I hope that, in the drawing up of the regulations regarding academic requirements and standard of education, consideration will be given to the fact that there has been a pretty radical change in teaching methods over the last four, five or six years. I would not like to see boys leaving school and wishing to become building surveyors or inspectors being frustrated in this manner.

The Hon. R. C. DeGaris: Would the area schools provide sufficient qualifications for these people?

The Hon. R. A. GEDDES: That is an interesting point, and I ask the Minister to look closely into that matter. Clause 61 (*s*) refers to regulations to make any provision, restriction or prohibition that may reduce the likelihood of fire in any building or structure. In November of last year an article in the press stated that fire brigade officials had warned that, because some of our smart high-rise multi-storey office blocks were inadequately protected against fire as a result of the building boom and our outmoded building regulations, serious accidents could occur if fires were to break out in some of those modern office buildings. I directed a question to the Chief Secretary on this subject on November 24 last. I now ask whether consideration will be given to making sure that all possible steps are taken to prevent serious accidents such as the one that occurred in France, where many youngsters were killed purely because of the lack of proper and adequate safety precautions.

In conclusion, I comment on Part IX, which deals with the Building Advisory Committee. Section 62 provides that there shall be a committee of six members appointed by the Governor on the recommendation of the Minister. Subclause (4) states:

The committee—

(*a*) may from time to time recommend any alteration to this Act that may, in the opinion of the committee, be necessary or desirable;

(*b*) shall report to the Minister upon any proposals for the amendment of this Act that are referred to the committee by the Minister;

(*c*) shall perform and discharge such functions and duties as may be entrusted to the committee by the Minister.

Subclause (7) provides, to my surprise:

The Minister may from time to time fix fees and charges to be paid to the Treasurer by a person submitting matters for the consideration of the committee and the Treasurer may recover any such fees and charges from the person by whom they are payable in any court of competent judisdiction.

As I read that, it means that, if a builder, an architect or a man qualified in his trade wishes to go to the advisory committee to submit a suggestion for an amendment of the Act (as the Minister says in his second reading explanation, "so that there will be flexibility in the

building trade"), there is a chance that the Minister may set a fee for that person to pay before he can give his evidence. I know it is in the original Act of 1923 but in 1971 it is not necessary, if we believe in flexibility and in having a committee whose job it is to advise. Surely to goodness those with the competence to advise this committee should not have to pay to give their knowledge or their services. I submit that point to the Minister for consideration in his reply. Also, if we are to have this fixing of fees (with which I disagree), it should be by regulation so that there is a known charge. I support the second reading of the Bill.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

CAPITAL AND CORPORAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from February 24. Page 3522.)

The Hon. G. J. GILFILLAN (Northern): I rise to speak to this Bill with much concern. I have read in detail the Chief Secretary's second reading explanation and am concerned to find that it is based largely on the findings of a British Royal Commission on Capital Punishment and on the policy of the Australian Labor Party in this regard. It is one of the more difficult subjects that honourable members have to consider, in that it covers several fields.

Although the Bill has a comparatively simple title, it covers eight Acts and 41 clauses. Also, in assessing the implications of this Bill, we must realize that the second reading explanation gives no indication of the conditions applying in Australia, and more particularly in South Australia. To compare the conditions in South Australia with those encountered by the Royal Commission in Great Britain is to compare two very different sets of circumstances. Even within the State itself the responsibility attaching to the administration of the law is divided into several parts. Yesterday, the Hon. Mr. Potter made a good speech expressing his own personal views and those of the Law Society. This is one aspect of our law enforcement system: we have the legal profession and we have our courts, which are charged with the heavy responsibility of deciding what form of punishment shall be meted out according to the law; but, when we come to the actual experience of imprisonment and penalties, we then get into the field of the Police Force, the prison authorities and, in many cases, the welfare workers.

Unfortunately, because these are Government departments, we do not have the full benefit of their experience in these fields. It is easy to get involved in an emotional argument about penalties and punishments, but this is far removed from the reality that must be faced by our law enforcement authorities and our prison officials when it comes to dealing, in many cases, with hardened criminals.

The Bill is concerned primarily with solitary confinement, corporal punishment and capital punishment. Solitary confinement is within the ambit of prison administration; it is outside the experience of most members of Parliament. I have no doubt that these forms of punishment are obnoxious to most people outside the law enforcement system, but we do not have the responsibility of administering an institution in which there are people who have broken the law (some of them with a vicious record) and in which discipline must be enforced. So we must be wary when we interfere with the present system as laid down in our Statutes.

There should be an oversight of this type of administration to ensure that any penalties that are inflicted are just and do not go beyond reasonable bounds; but to delete them completely from our Statutes is a step that I question, without having a deeper knowledge of the problems involved. This applies, too, to corporal punishment. "Corporal punishment" again are words that cause some concern to people in a civilized community. The definition of "corporal punishment" covers a wide field. The law has to deal with many age groups, from juveniles to adults. Although many of our schools do not practise corporal punishment regularly, they still retain that right as a final act of discipline. In our homes, surely those of us who are parents will admit that at times we have resorted to some kind of corporal punishment in certain circumstances; whether justly or not is a matter for our own judgment.

The truly big question in this Bill, capital punishment, is what causes honourable members most concern. On reading through our Statutes, it is obvious to us that for many offences where capital punishment is retained it is no longer relevant in this day and age. But of course in these instances discretion is left to the court. It is an alternative in many cases to other forms of punishment, including long terms of imprisonment, and it is unlikely that this extreme penalty would be incurred. I have no objection to its being deleted in those cases.

However, when we come back to the matter of capital punishment for what I believe is the greatest crime of all, deliberate murder, we are on very different ground. Again, I refer to the British Royal Commission on Capital Punishment, quoted extensively in the Minister's second reading explanation. If we think of the penalties imposed following the great train robbery in England, we realize that there are, on the English Statutes, other provisions for very severe penalties for crimes which, in my opinion, are not as grave as that of deliberate murder. A quotation from the Minister's second reading explanation will illustrate that many of the words used, some in an emotional sense, can mean two different things. I will read one short paragraph which I believe is the key to this speech:

Carelessness of human life and disregard of its value are the marks of barbarism. When the State carries out the death penalty, it deliberately and with premeditation destroys a human life. This necessarily has the effect of depreciating the community's sense of the value of human life.

I question very seriously the last sentence. In this modern day and age with our news media, television newsreels showing actual combat and war, and when we are accustomed to reading in the daily press figures of the death toll on our roads, as a community we have perhaps become somewhat careless of the sanctity of human life but, when a person faces a sentence of death by hanging, I believe this brings home to the community that something of very great value is risked when one person takes the life of another.

In the final analysis, I believe that the first priority of Government and of Parliament is to assume the responsibility of preserving human life within the community. We have before us statistics which claim to prove various different points of view on this subject, but it is very difficult to use statistics in this way because motive and other circumstances come into the picture. We certainly have in our society today increasing numbers of crimes of violence. We have armed robberies, armed hold-ups, which have become almost an everyday occurrence in many States—in some cases more than a daily event. Every time a person with a firearm holds up a bank or any other institution he is, while the firearm is in his hands, a potential murderer.

Although the actual statistical figures may not show an increase in murders where hanging is abolished, there is no doubt that an increase in crimes of violence is taking place, and these people well know that if they commit the ultimate crime of murder the most they will face is life imprisonment. Unfortunately, we find in our midst criminals who are naturally violent and who, if I can refer back to the speech of the Hon. Mr. Springett, have very little to lose by committing the grave crime of murder in order to avoid being apprehended for a less heinous, though serious, crime. The death penalty is seldom invoked—the usual procedure nowadays is for Executive Council, after due consideration of all the facts, to commute the sentence—but to retain this law on our Statutes would have some final deterrent effect on these vicious people who have nothing more to lose than an added, or perhaps a continuing, sentence in gaol.

Although I believe that some portions of this Bill dealing with the death penalty for what would be considered lesser crimes are out of date, I think it is a pity the Bill has come to us in such a sweeping form, covering so many aspects of our criminal law and other Acts, and I believe the question of capital punishment for murder should be considered in an entirely separate Bill. Although I do not entirely oppose all that is within the Bill, I do not support the concept of abolition of capital punishment as a final deterrent to the crime of deliberate murder.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

ADJOURNMENT

At 4.18 p.m. the Council adjourned until Tuesday, March 2, at 2.15 p.m.