LEGISLATIVE COUNCIL

Tuesday, March 2, 1971

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

QUESTIONS

FIRE BANS

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to official fire ban broadcasts, a matter that I have raised previously in this Council. My attention was drawn recently to a statement by Mr. K. H. Davis, the District Clerk of the District Council of Barossa, which, in common with other hills councils, is most concerned about the fire ban notifications. Mr. Davis said:

We feel that people do not listen beyond the words "ban" or "no ban", and do not appreciate that the lighting of fires is restricted in all areas in the summer . . . We want the broadcast started with the advice of the general summer restriction so that it is clear to everyone that they must check with local authorities before lighting a fire.

When I raised this matter before, the previous Minister arranged for some alteration to the notification that was broadcast. However, I feel that the radio broadcasting authorities have slipped back into their previous ways. The problem very often today is that the notifications conclude with a repetition of the announcement, "There is no fire ban today". This is almost an invitation to the uninitiated and the unthinking people to light fires, and this causes a great problem in the hills in the summer.

Will the Minister take this matter up and see whether this emphasis on the words "no fire ban today" can be taken out at the conclusion of the announcement? I suggest to the Minister that the announcement could be commenced with the words, "There is a restriction on the lighting of fires during the summer months," and, if there is a ban, "there is a complete ban in certain districts". If there is no ban, I think it should not be emphasized at the finish of the announcement that there is no ban on that particular day. Will the Minister take the matter up and see whether this announcement can be improved so that the inexperienced and unthinking people do not just catch the last words of the announcement ("no fire ban today") and proceed to light fires, particularly in the hills areas where it is very dangerous?

The Hon. T. M. CASEY: I shall be only too pleased to take up this matter to see whether some terminology along the lines suggested can be used. I also point out that I am delighted that the honourable member has raised this question because it shows that he at least is fire conscious and that the advertising of fire bans is getting through to people. What he and we all want is to ensure that members of the public are advised specifically on what they can and cannot do. I shall take this question to the proper quarters and see whether I can arrange to have some specific way of notifying the public of what the situation is.

KARCULTABY AREA SCHOOL

The Hon. A. M. WHYTE: I seek leave to make a statement prior to asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. A. M. WHYTE: Residents of Minnipa and Poochera are concerned over the delay in the commencement of building the Karcultaby Area School, between Minnipa and Poochera. Professional people are leaving the district when their children are of an age to take courses different from those now available in the district. As it is hard to obtain the services of these people and as there is general concern that if there is any further delay it will mean the exodus of additional people from the district, will the Minister obtain the date for the commencement of the building of this school?

The Hon. T. M. CASEY: I will convey the question to my colleague and ensure that the honourable member obtains a reply as soon as possible because I know that this is an urgent matter.

DAIRY FARM RECONSTRUCTION SCHEME

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

Leave granted.

The Hon. C. R. STORY: My question concerns the Dairy Farm Reconstruction Scheme announced by the Commonwealth Minister for Primary Industry about 18 months ago, since when we have not heard much about what has happened in this regard. The

last I recall of it was that the State had agreed in principle to something along the same lines as the agreement reached with the Western Australian Government. Has the Minister any up-to-date information to give to the Council?

The Hon. A. F. KNEEBONE: Draft legislation is being prepared, but it has been delayed because it is necessary to have the Commonwealth Government's draft agreement included in the Bill to be introduced, and we are waiting on the draft agreement. However, we have endeavoured to hasten the Commonwealth Government in this respect and I expect to receive the draft agreement within the next few days.

VICTORIA SQUARE

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: On November 12 last year I asked questions about the future planning around Victoria Square, with particular reference to the vacant site on the corner of Grote Street, and I sought to have the report by the Lord Mayor's Committee on Victoria Square tabled. I referred at that time to a newspaper report of the Premier saying:

The State Government had received the report from a committee appointed to study the planning and development of Victoria Square and it would be one of the most exciting developments anywhere in the world. All South Australians would be excited at the development, which would attract a great deal of investment in the form of major buildings.

In the reply on November 18 I was told that the report still had to be fully considered before any further release was made. In the *Advertiser* of February 12 last there was a report:

Government plans for hotels. The cleared site on the western side of Victoria Square may be used as a site for a Japanese-type hotel.

Then the report continued with some information that the new tourist development officer and the State Government's policy secretariat were making investigations of that idea, which ultimately would be submitted to Cabinet. The original purpose of the purchase of this site was to provide new offices for public servants, so conforming to a plan, first, to provide them with the accommodation they deserved and, secondly, to conform to a scheme to group as many Public Service departments as possible around the square. First, has the Government definitely decided to abandon such a plan? Secondly, did the Lord Mayor's committee recommend the subject site for future tourist hotel development? Thirdly, can the report of the Lord Mayor's Committee on Victoria Square be now made available and tabled?

The Hon. A. J. SHARD: I will refer the honourable member's questions to the Premier and endeavour to get a report, which I will then give the honourable member.

MOTOR RACING AT VIRGINIA

The Hon. L. R. HART: On February 23 I asked the Minister of Agriculture, representing the Minister of Works, a question about the supply of reticulated water to a motor racing track at Virginia. I understand he now has a reply.

The Hon. T. M. CASEY: The Surfers Paradise International Motor Circuit Proprietary Limited required a water supply to enable it to establish a motor racing circuit on sections 5038 and 5039, hundred of Port Adelaide. In view of the policy applicable in this area, it was decided to refuse the company a direct water supply but the Government considered the project a valuable one, which should be encouraged, and accordingly informed the company that on application it would be granted an indirect water service at the southern end of the 4in. main on Port Wakefield Road. Supply through such a service would be limited to 15gall. a minute and it would be necessary for the company to lay its own private piping from a meter fixed at the end of the main to the company's property, a distance of about 1½ miles. The company was informed also that it would be necessary for it to install adequate storage tanks on its property to ensure that peak demands for water associated with spectator sports could be met.

CEDUNA COURTHOUSE

The Hon. A. M. WHYTE: I believe the Chief Secretary has a reply to my recent question about the construction of a new courthouse at Ceduna.

The Hon. A. J. SHARD: Tenders have been received for the project, and they are under review. The building programme provides for completion and occupation of the new building in mid-1972.

BAROSSA WATER SUPPLY

The Hon. M. B. DAWKINS: Has the Minister of Agriculture obtained from the Minister of Works a reply to my question of last week regarding the Barossa water supply, particularly the Gawler River and Two Wells main?

The Hon. T. M. CASEY: My colleague has informed me that he has approved recently the laying of 16,000ft. of 6in. asbestos cement main between the north-eastern corner of section 501 and the north-eastern corner of section 45, hundred of Mudla Wirra, at an estimated cost of $28,000, replacing the existing 3in. main. Subject to funds being made available in 1971-72, it is expected that the work will commence in October, 1971. When complete, this main should materially improve distribution in the area and make it possible to lay a main in Roediger Road to supply applicants in the subdivision of section 49, hundred of Mudla Wirra. This latter work, however, is still dependent on agreement by the applicants to meet a guaranteed revenue return on capital outlay.

RECLAIMED WATER

The Hon. M. B. DAWKINS: Has the Minister of Agriculture obtained from the Minister of Works a reply to my question of last week regarding the possibility of using reclaimed water for irrigation purposes in the Virginia area?

The Hon. T. M. CASEY: Investigations are in progress to determine the most economic methods for the utilization of the reclaimed water from the Bolivar Sewage Treatment Works. Reports have been received from the Engineering and Water Supply Department, the Public Health Department and the Agriculture Department. As it is essential that uses of the reclaimed water be established before irrigation headworks are designed, the Agriculture Department has been asked to determine soil characteristics, subsurface drainage conditions, water table levels and types of crop suitable for irrigation in the area. At present the Agriculture Department is assessing the financial and personal resources required to carry out long-term, full-scale studies into the uses of this reclaimed water for agricultural and horticultural purposes.

WINE PRICES

The Hon. C. R. STORY: I seek leave to make a short statement before directing a question to the Chief Secretary, representing the Treasurer.

Leave granted.

The Hon. C. R. STORY: Within the last few days a statement attributed to the Treasurer was made in relation to the falling off in sales of wine, particularly in the bulk and flagon trade. It was stated that the problem was largely caused by the excise imposed by the Commonwealth Government in its last Budget. Following that Budget I asked a series of questions on what action the South Australian Government intended to take with regard to the powers of the Prices Commissioner in this connection. The last report I received on this matter said that the Prices Commissioner reported as follows:

The matter is currently under investigation to ascertain whether the winemakers' increase exceeds the estimated cost increase resulting from the Budget, and also whether there is scope for a reduction in the retail margin of 40c.

At that time the Commonwealth Government imposed a levy of 8c a bottle, or 48c a gallon, and the increased prices that resulted more than doubled the excise. As a result of the investigations that I believe would have been carried out by now, does the Government intend to take any action to bring the price of wine in South Australia into line with that of other States? I believe that the price to South Australian consumers is some cents above the price in the Eastern States.

The Hon. A. J. SHARD: I will refer the honourable member's question to the Premier, who controls the Prices Department. Speaking from memory, I understand there were some difficulties in this field. However, I will refer the question to the Premier and bring back a reply.

EXPORT

The Hon. L. R. HART: On February 25, I referred to a statement by the Chairman of the South Australian Industrial Development Advisory Committee, to the effect that he advised South Australian firms to become incorporated in the United States of America for the purpose of taking advantage of lower company tax in that country. Has the Minister a reply to my question?

The Hon. A. J. SHARD: The report of the remarks of Mr. Roscrow makes no reference to "evading the company laws". Those are words which the honourable member himself has used. The report quoted indicates that Mr. Roscrow urged companies to take full advantage of research and advice available from Government-supported institutions and also existing laws so that they may improve

their export profits. In doing so they would be subject to taxation on increased profits in accordance with the law. The Government holds views similar to those expressed by Mr. Roscrow, but different from those which the honourable member has endeavoured to infer from the report of Mr. Roscrow.

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

Leave granted.

The Hon. L. R. HART: I thank the Chief Secretary for the reply to my question. However, I referred only to a newspaper report. Am I to assume that the newspaper report is incorrect? Does Mr. Roscrow deny its correctness?

The Hon. A. J. SHARD: I do not know what Mr. Roscrow said or what he is alleged to have said, but let me assure the Council that it would not be the first time speakers have been misreported or that the papers and the media have publicized complete untruths. I say that advisedly, because it has been proved conclusively, and not for the first time. However, I will refer the question back to the Premier to see if there is anything further to add.

FESTIVAL HALL

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

Leave granted.

The Hon. C. M. HILL. On February 26 a press report appeared in Adelaide—and I think on this occasion, as on most occasions in my experience, it was very accurate. The heading is "'Padding' cut from theatre" and it states:

Adelaide's Festival Theatre will not be mounted on specially made rubber pads to isolate the auditorium and stage from underground train rumbles. The disclosure of the change of plans immediately raised the question whether the proposed underground passenger railway route near the theatre site, in Elder Park, has been abandoned.

The article further stated that two progress payments had been made through the city council's festival hall accounts for sums of $8,029.20 and $7,494.80 respectively for materials for the purpose of this sound isolation to Silentbloc (Australia) Proprietary Limited. A spokesman for that company had stated the purpose of that material, and that it had been supplied, but he did not know where it was or whether it was going to be used. My questions are as follows: first, has a decision been made not to use the rubber padding to isolate the theatre from underground outside noise; secondly, if so, are the payments a complete loss, and what has happened to the material; thirdly, will this mean that, if a future Government decides to proceed with the underground railway on the same route as envisaged as a result of the Metropolitan Adelaide Transportation Study, a serious noise problem in the theatre will result?

The Hon. A. J. SHARD: I would be the last one to say whether that report was according to fact. However, if anybody cares to look at one of the newspapers published on Tuesday of last week he will see the most glaring untruth in big letters on the front page. I shall be happy to refer the honourable member's questions to the Premier and bring back a report as soon as possible.

The Hon. C. M. HILL: So that I can do as the Chief Secretary suggests, can he say what was the general heading of the article in the press to which he has referred and which he has claimed is an utter untruth?

The Hon. A. J. SHARD: It concerns an increase in prices. The article stated that the price of one item had gone up, whereas it had not gone up and is not going up.

AIRCRAFT OFFENCES BILL

Adjourned debate on second reading.

(Continued from February 25. Page 3586.)

The Hon. F. J. POTTER (Central No. 2): I do not intend to say very much about this Bill. As explained by the Minister in introducing the measure, the need for it arises because for constitutional reasons the law of the Commonwealth does not always operate within the boundaries of this State. With regard to offences in respect of aircraft, it is necessary for State legislation to cover the flight of an aircraft while it is over the air corridors of this State.

It is an excellent example of the need for co-operation between the State and the Commonwealth Legislatures on a subject of this importance. One is inclined to wonder, perhaps, why it has taken so long for such co-operation on this particular aspect to be brought about. Of course, the trigger that started it was the recent spate of kidnappings and hijackings that have occurred overseas with most

major airlines in the world, and naturally fears have arisen that this sort of thing could occur within Australia. I think there have been one or two scares in this respect, and aircraft have been held up as a result.

The need for the Bill is obvious. The Hon. Mr. Hill last week analysed most of the matters of background to the measure, and I think the only question that remains to be considered is the one that he raised (and it is not an easy one) concerning the possible carriage of dangerous articles or chemicals on board aircraft to the knowledge, of course, of both the aircraft officials and the consignors of those articles. I do not know how we can get over that type of thing. I think the honourable members suggests that it might be necessary, as a matter of contract, for some warning to be issued to consignors of this kind of material so that at least they know exactly what risks are involved. I can imagine that the occasions when these kinds of goods would be carried would be perhaps fairly rare, and that obviously some efforts would be made at the time of consignment to draw the attention of the aircraft operators to that particular cargo. This is an administrative matter, and whether it can be covered in any way by legislation I do not know. It seems to me that this is a matter that can be raised when we get into Committee. So far as I can see from my examination of it, the Bill does not disclose any other matter that should really worry honourable members. I think this is a very necessary Bill, and I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I thank the Hon. Mr. Hill and the Hon. Mr. Potter for the attention they have given to this Bill. I think they have both raised some doubt with regard to clause 14, and I appreciate their concern in the matter. I have now obtained a considered reply on this point. This clause is, in terms, the same as the relevant portion of the Commonwealth Act that it seeks to complement and so far as I am aware it has not given rise to any difficulty in that sphere. In addition, in legislation of this nature there is a sound argument that an identical act in relation to aircraft subject to Commonwealth law and aircraft subject to State law should be visited with identical consequences. However, perhaps honourable members' fears may be set at rest if I enlarge on the significance of defence contained in subclause (2), where it is provided that the section does not apply to or in relation to an act done with the consent of the owner or operator of the aircraft given with the knowledge of the nature of the goods concerned.

This defence links this clause with the provisions of the Commonwealth regulations dealing with the carriage of dangerous goods. These provisions are the result of international agreements. They are thoroughly understood and given effect to by aircraft owners and operators and thus could be said to constitute a code to ensure that an aircraft is not put in hazard. Thus, the legitimate movement of dangerous goods is here provided for. In substance, therefore, the clause deals with the loading of dangerous goods without the knowledge of the owner or operator. All the legislation is saying, in this regard, is, "If as consignor of goods you have a doubt about whether or not the goods are dangerous goods, you must inform the operator of the aircraft." In the circumstances of aircraft movement and the grave dangers inherent in the carriage of such goods, I suggest that this is not too heavy a burden for a consignor to bear.

Regarding the second point raised by the honourable member, that of the "innocent" carrier of the goods (for example, the truck driver who delivers goods without knowledge of their nature), I can assure him that such a person would not, on those facts, be liable under the section, since knowledge of the nature of the goods would be an element in any prosecution for the offence. Finally, I remind honourable members of the clear prime purpose of the provision, namely, to catch the would-be hijacker before he has had an opportunity of giving effect to his intention, and in this regard I suggest that it performs a necessary and vital function in the measure. I hope the explanation will satisfy the honourable member; if it does not, clause 14 can be further discussed in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Taking or sending dangerous goods on aircraft."

The Hon. C. M. HILL: I thank the Chief Secretary for his explanation, and I am satisfied with his answers. I think he would appreciate that this clause left one with some doubts about whether or not the penalty was too high or whether or not some specific obligation had to be placed on either the consignor or the airline company or both in regard to the actual acceptance of the freight.

The Department of Civil Aviation regulations govern the whole question of the acceptance of air freight, and it is proper that they should be, as they are, uniform throughout Australia. I believe that each airline compiles its own traffic manual based on the regulations.

I understand that each airline asks the consignor of goods for information regarding them before accepting them, and it is proper that this should be done. In other words, everyone involved in the operation of air freight has some responsibility, and the airline officers are bound under their traffic manual, which in turn is based on the regulations.

I was interested to learn this morning of some of the precautions taken, and these highlight the extreme safety measures that can always be traced back to the department—one being that, if a rifle is consigned, the bolt must be removed and placed in the custody of the aircraft's captain during the flight. Other problems, such as fuel samples that might be deemed dangerous goods under this Act, may arise but the airline sees to it that such freight is properly packed.

Clause passed.

Remaining clauses (15 to 21) and title passed.

Bill reported without amendment. Committee's report adopted.

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

Adjourned debate on second reading.

(Continued from February 25. Page 3587.)

The Hon. R. C. DeGARIS (Leader of the Opposition): We have before the Council two Bills (this measure and the Age of Majority (Reduction) Bill) to put into effect the Government's desire to reduce the overall age of majority in South Australia to 18 years. In other Acts where specific ages, not all related to the age of majority, are stipulated, those ages are reduced to 18 years. One further Bill involved in this that must come before this Council is a Bill to amend the Electoral Act. I have no doubt that other Acts that will need amendment have already been overlooked. Mention has already been made in this Council of the Succession Duties Act, in which 21 years is still regarded as the age at which the proportional rebate of duty changes.

Without committing myself to 18-year-old voting, I reiterate that a blanket proposal to reduce the age of 21 years in these other Acts to 18 years is largely a result of what I will call the "guesstimate", or the guesswork, of sociological reasons why 18 years is the correct age of majority. I submit that this reasoning is ridiculous. It is simple to concoct reasons or a story on all the odd historical facts that have led us over the years to come down on the side of 21 years as the legal age of majority, but it is just as difficult to maintain with any logic that any other age is correct.

From my rather limited experience, I know that, when we tamper with established historical reasons and fly against the reasons of history, we often create for ourselves problems that at present none of us can perceive. Already I have spoken on the Age of Majority (Reduction) Bill and I do not wish to put before the Council the views that I have already stated there, or go back and recite and redevelop those arguments. Nevertheless, the views stated in the Age of Majority (Reduction) Bill are germane to reducing to 18 years the age for voting in South Australia. Whilst the blanket provision of reducing the age of majority to 18 years in all our relevant Acts will create problems that at this stage we cannot perceive, the reduction of the voting age to 18 years plus the reduction of the age of majority to 18 years of age will create problems that we can all predict.

These problems were dealt with by the Hon. Mr. Hill in the excellent speech he made on this Bill. Before coming to the individual problems, may I explain my own views on voting at the age of 18 years? I have no deep feelings on it. If I had any feelings, they would be to approach this whole matter with caution. At present, if voting at 18 years is to be the law of this State, I support the views put forward by the Hon. Mr. Springett that the voting in that age group should be voluntary.

There are changes we make in the law (we are doing it almost every day) that I believe it is the right of Parliament to decide. On the other hand, there are changes made in the law that I believe belong rightfully to the people themselves to decide; there are specific issues on which the people should decide. We tend to use referendum procedures in this State and elsewhere not as a democratic process and not as a means of ascertaining the views of most people but as a means of shelving a political responsibility—as a means of transferring the responsibility of making a decision in order to get people off the political hook. A referendum procedure rightfully belongs to certain areas of political activity.

By comparison with the shopping hours issue, a much stronger case can be made out in the reduction of the age of majority and in 18-year-old voting for people to have a say in a referendum whether or not it is required than can be made out for shelving a political problem by having a referendum on the shopping hours issue in South Australia. As we all know, of course, it did not solve the political problem, either. I believe that in 18-year-old voting and the proposed reduction of the age of majority the people should be directly consulted.

I take this view for two reasons, one of which I have already mentioned—that I believe it is a logical area in which the people themselves should speak. It is using the referendum procedure for the correct purpose. Secondly, a referendum should be held on this issue and it should be conducted on a Commonwealth basis. My reason for saying that is largely following the submission made to this Council by the Hon. Mr. Hill, who said:

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.

Add to this the whole question of the age of majority and we can see the full picture that was drawn so well by the honourable member.

I pose one or two questions that may sound rather foolish, but supposing that in South Australia we reduced the age of majority to 18 years and we passed a constitutional amendment making voting legal (and, no doubt, compulsory) at 18 years in South Australia, would that mean that the extra 40,000 voters on the roll in South Australia would be entitled to elect a member to a seat in the Commonwealth Parliament based on this system of allocation of seats to the various States? If New South Wales, for example, got the bright idea of reducing its age of majority to 17 years, would that entitle it to an extra four seats in the Commonwealth Parliament? Again, if Victoria, too, got on the band waggon and decided to reduce its age of majority to 16 years and allow voting at 16 years, would that entitle Victoria to an extra five seats in the Commonwealth Parliament? These are questions that these two things (going hand in hand at the State level) could well pose to the Commonwealth Government. Conferences of Attorneys-General have looked at this question, and I think it is reasonable to say that a uniform view throughout Australia should be taken on this matter.

I am not one who believes in uniformity: I am one who believes in the rights of the States. Nevertheless, there are certain areas where, for the sake of convenience and preventing political disorder, there is an urgent need in Australia for an attitude of co-operation or co-operative federalism. Since the Attorneys-General have discussed this problem, one may well ask why the Government has introduced Bills for a reduction in the age of majority and a reduction in the voting age. The Government knows full well the probable consequences of its action. I do not want to seem uncharitable, but I believe that the Government intends to dance political minuets in hobnailed boots on the issues of the age of majority and the voting age.

As most people know only too well, I am a rather down-to-earth advocate of States' rights; I firmly believe that the States' sovereign powers are a necessary protection for our democratic society in Australia. I am no believer in the Premier's prediction of a massive one-House system in Canberra, with administrative units scattered all over Australia and presided over by a local political commissar drawing sovereign power from Canberra. As a person who believes in the States' rights, I also firmly believe in co-operative federalism. Over the years I have had much to say on this question, and I have been more than critical of the attitude of some members (of both Parties) of the Commonwealth Parliament on this score.

There is a rather quaint twist in connection with the matter now before the Council; the Government, whose views on States' rights are well known, is here using the sovereign rights of the State to determine issues such as the age of majority and the voting age and to create a dissension and a difference that, in the end, may well affect the very rights of the State that it is using to introduce these issues. Furthermore, the Government is using State rights in South Australia to force a view on the whole nation that may not necessarily be acceptable. In isolation, the issue of the voting

age has no great impact federally but, coupled with the age of majority, the effect could be profound.

Western Australia took the step (whether rightly or wrongly is open to argument) but fell short of the South Australian scheme by not proceeding in relation to the age of majority; the Western Australian Government knew full well, after the conference of the Attorneys-General, what would be the outcome of both these measures going hand in hand; yet in South Australia we are proceeding with both these Bills, irrespective of the effects they may have. To me, there is only one effective answer: that is that we do not move unilaterally in South Australia on this matter, but take our time from the national view—a national view ascertained by a Commonwealth referendum on this point.

I have no great opposition to and no great feeling for the question of voting by people between the ages of 18 years and 20 years; I do not believe that people in that age group care, either. If one moves around the community and talks to people in that age group, he will find, as I have found, that the majority do not want the responsibility. If anyone wishes to carry out the same sort of survey as I have carried out, he will find that that is the position.

There are three Bills that will affect this whole situation—the Age of Majority (Reduction) Bill, the Constitution Act Amendment Bill and, later, an electoral Bill. There should be no move in this State until the other States and the Commonwealth have agreed on what is a reasonable age to enact as the age of majority and the voting age. If there are variations between the States there may be a profound effect. What is to stop the other States making the age 17 years or 16 years, and what will be the effect on our federal system?

Lastly, I notice that the proposed voting age applies to the House of Assembly only, not the Legislative Council. I assume from this that the House of Assembly is virtually saying to us that it does not intend to interfere in the business of this Council in relation to constitutional matters and will allow this Council to make up its own mind on this score. I do not wish to comment on this matter, except to say that I am grateful that the other place has seen fit to allow us to consider this question in relation to our own House in our own time. At present I am willing to support the second reading of this Bill but, in the long run, I should like to see some amendments made that will prevent a confrontation between this State and the Commonwealth from occurring. I shall have more to say on this point in the Committee stage.

The Hon. L. R. HART secured the adjournment of the debate.

AGE OF MAJORITY (REDUCTION) BILL

Adjourned debate on second reading.

(Continued from February 25. Page 3587.)

The Hon. R. A. GEDDES (Northern): In his second reading explanation the Minister of Lands said:

> The Bill will confer full juristic capacity upon persons of or above the age of 18 years, in so far as the South Australian Parliament is competent to legislate . . . 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.

This Bill and the one upon which the Hon. Mr. DeGaris has just spoken are designed to move hand in hand. This is neither emotionally necessary nor socially desirable; it is purely politically opportune. There is no evidence of need or desire by the public for legislation of this type. I say this is the forerunner of vast social change that may be politically desirable, but could well be economically disastrous. I base my argument on the clause of the Bill which reads:

> This section shall not affect the construction of—
>
> (*a*) any industrial award, order, determination or agreement; or
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> (*b*) any instrument made or entered into pursuant to any Act that prescribes wages and other conditions of or relating to apprenticeship.

Among other things, the Bill will allow for jury service at 18 years of age, and it will allow for the adoption of children by an 18-year-old couple. It will allow for the recovery of expenses for maintaining in hospital an 18-year-old suffering from an infectious disease, and if the parents of a child are in an infectious diseases hospital the hospital can sue an 18-year-old for their expenses. Also, under the Hospitals Act a hospital can, for recovery of contributions for hospitalization, charge a person of 18 years in court for failure to pay the expenses incurred.

Under the proposed amendment to the Nurses Registration Act, psychiatric and mental deficiency nurses as well as midwives may

obtain registration at 18 years of age. An 18-year-old will be permitted to make a binding contract, to act as an executor, or to administer a deceased estate, and there are many other so-called privileges to be given to people of 18. At present all awards, whether Commonwealth or State, recognize that a person is considered an adult at the age of 21 years, and he is granted a pay increase accordingly. This has been considered in the past as a necessity because of the obligations and responsibilities a 21-year-old is obliged to honour. Now it is suggested that those responsibilities will be put on the shoulders of an 18-year-old, but there is no recognition of any corresponding wage or salary adjustment.

Under the State Public Service Act, a junior male officer at 18 years receives $2,320 a year. At 21 he is automatically paid $3,230, an increase between the ages of 18 and 21 years of $900 a year. Under the Abattoirs award an 18-year-old receives 80 per cent of the adult male wage. A person making bricks at the age of 18 years receives 70 per cent of the male wage, and a carpenter's and joiner's apprentice at 18 years receives 65 per cent of the adult male wage. How will these people be affected by the added responsibilities?

It may be just for a nurse to obtain registration at 18 years and to be regarded as an adult, competent to carry out her duties, but will the State hospitals recognize this and pay the adult wage for her added responsibilities? The privilege of making a binding contract and being able to administer a deceased estate at the age of 18 years to me indicates problems which could arise with lending institutions, banks, and hire-purchase companies. These bodies will probably view with deep concern the asset backing of their client because of his salary and other asset insufficiencies at the age of 18 years. But with all these privileges and responsibilities I notice that the Government, for succession duty purposes, considers a person to be a child until the age of 21 years. I wonder whether the Government will continue to recognize this difference.

We have heard a number of interesting speeches in this Council on whether the age of majority should be 18 years. Members have quoted from some very well-documented reports which have assisted us in our thinking but I argue that the granting of rights, privileges, responsibilities and obligations to an 18-year-old will be merely the forerunner of pressure by trade unions and the 18-year-olds themselves for recognition in terms of higher wages. I can well imagine a capricious Parliamentary Party at election time promising 18-year-olds wage increases under State awards in recognition of their adulthood. This would be not only disastrous for the economy of the State, but could produce serious consequences with the Commonwealth awards.

There are many facets of this Bill to be debated. Most have been covered by previous speakers. If the age of majority is set at 18 years, I argue strongly that it will not be long before 18-year-olds will demand, and receive, a wage commensurate with their adulthood. This would be serious for all concerned. I support the second reading but may have more to say in Committee.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

BUILDING BILL

Adjourned debate on second reading.

(Continued from February 25. Page 3592.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of the Bill. We all appreciate that this measure has been some time in coming to this Chamber, and as has been mentioned previously, the Hon. Sir Norman Jude had something to do with the commencement of the research upon which this legislation is based. I have already spoken today on the question of the interweaving characteristics of certain measures before us at present. Certain legislation cannot be looked at in isolation. This applies to the Bill we are now considering, which has overlapping characteristics affecting other legislation. It has an effect upon local government, and also affects deeply the legislation on the Statute Book in relation to the Builders Licensing Act. Nobody would deny the need for changes in our building legislation; indeed, with the development of new techniques and technological advances there will be a need for rapid change in the future in this type of legislation. The impact of this Bill on local government is recognized by everyone who looks at it. It affects large municipalities and small and far distant district councils in South Australia, and it affects small buildings in outback areas and large structures in the city.

Clause 5 provides that the provisions of the Act are to apply throughout each area within the State, and under clause 6 "area" is defined as follows:

A municipality or district as defined in the Local Government Act, 1934-1969, and includes an area in relation to which any body corporate is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal or district council.

We see that when the Act is proclaimed it will apply throughout the whole of the local government areas in South Australia and to any body corporate which is deemed to be vested with the powers of a municipal or district council. Then the Government may proclaim that the Act does not apply in its entirety in certain areas and that certain parts of certain areas do not come under the general umbrella of the Act.

This seems to me to be putting things in the wrong perspective altogether. I believe that an area should be able to apply to the Government to have the Act applied to it, and then the Government should proclaim that the Act applies to that area. In this situation, as soon as the Bill is passed the whole of South Australia, in terms of clause 6, comes under the umbrella of this legislation. I consider that this means that local government will no longer be in charge of its own affairs. What redress would a council have if it suddenly found that the Building Act applied to its area and it wanted relief from the imposition of the legislation in certain parts of its council area and the Government flatly said "No"? The council would then be stuck and would have no redress whatsoever.

Taking it a step further, under the Builders Licensing Act, about which there is a good deal of controversy at present, areas in the outback of South Australia could come under the general umbrella because the Building Act applied to them. One can see just how far this legislation can go in placing some of these areas in an extremely difficult situation. The next step is that the Governor may, by subsequent proclamation, vary or revoke a proclamation under this section. Once again, it depends entirely on the temper of the Government whether any proclamation is made to vary or revoke a proclamation under this section.

The other question I should like to ask (although I think I know the answer) concerns the meaning of the words "deemed to be" in clause 6 relating to a body corporate. I am not quite clear how far this goes. This is to be blanket legislation over the whole of the State, and the Government, if it desires to do so, can remove certain areas from the application of the legislation. In addition, of course, the Builders Licensing Act also applies throughout South Australia. I should like some clarification of the definition of "area" and of the words "deemed to be". I can think, for example, of Whyalla, where there has been a change recently, and I can think of the Renmark Irrigation Trust, but what other bodies corporate are there in South Australia that have the powers, or are deemed to have the powers, of a municipal or district council?

I can visualize what will happen if this Act applies to places such as Penong, Robe and Karoonda. We also have the question of the licensing of builders, and at present we are only in the first phase of those regulations. What will happen to building costs in those three places I have mentioned? What is going to happen to building costs in those areas when we have a magnificent builders' licensing system under which a person is probably restricted to carpentering only and someone else is restricted to plumbing only? I think that is a question that the Government should have a very close look at. I know what will happen in those areas when these two Acts come into operation and spread their tentacles right throughout the length and breadth of South Australia. I have no doubt that these matters will be of some concern to local government and to country areas generally.

In this Bill we are laying down principles, but the teeth of this legislation will lie in the regulations that will come later. Under the Bill, "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; or
(*c*) Any other work that may be prescribed.

The latter refers to any other work that may be prescribed by regulation. As I have said, this is to be blanket legislation covering the whole of this State, and the Government is to decide where the Act will apply and where it will not apply. In addition, we have blanket legislation covering the licensing of builders. When we realize that all this could apply to the places I have mentioned, and when we consider the all-embracing definition of "building work", the mind boggles as to what can happen. I believe that the definition of "building work" and the question of the application of the Act are things that should come back to Parliament for definition. Parliament should know exactly what is involved. However, as it stands, this is blanket legislation covering the

whole of the State, and this is something honourable members should look at closely in Committee.

The Hon. H. K. KEMP secured the adjournment of the debate.

CAPITAL AND CORPORAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from February 25. Page 3593.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): This Bill has finally reached the Council, although a similar Bill was brought down as long ago as 1965, when the present Premier, who I think was then the Attorney-General, introduced a Bill in the House of Assembly to similar effect. That Bill, for some reason or other that I cannot recall, never reached the Council and I cannot recall (although I have just found a reference to it in the 1965 *Hansard*) whether it was a Government Bill or a private member's Bill. Even now, I am not certain whether the present Bill is a Government Bill; however, I assume that it is a Government Bill, but I find it more in the category of a conscience Bill or a social Bill, to use the broader term, than one that is a matter of Party politics, because it affects the conscience of each and every one of us.

Although I have a regard, as honourable members know, for what I consider to be mandates for the policy of the Government for the time being, I think a Bill of this moment must of necessity be dealt with in relation to one's own personal conviction and conscience. This Bill relates to two matters, really. Its short title is the Capital and Corporal Punishment Abolition Bill. Regarding corporal punishment, I know that some eminent jurists place this in the same category as a deterrent as they place capital punishment in relation to the more serious offences to which it relates. In both these questions, a difference of opinion has been evident for many years among many people.

Eminent judges both in England and here disagree on the matter, and counsel and solicitors disagree (some are for abolition and others are for the maintenance of capital and corporal punishment). However, I have a different approach to the two matters. I think corporal punishment, although it may be some kind of deterrent, has probably lost much of its effect. Indeed, in my experience over recent years it is not often ordered any more than, of course, is the death sentence for murder likely to be carried out. The range of offences for which whipping is a penalty is rather considerable: it is mainly directed to attempted murder and to various types of sex offences, whether unnatural or otherwise, but it also brings in some lesser offences such as damaging or uprooting trees, under the Criminal Law Consolidation Act, and for the more serious offence of attempting to set fire to crops.

The Hon. C. M. Hill: Conservationists might support that!

The Hon. Sir ARTHUR RYMILL: I suppose so. For placing injurious things on a railway line, even for damaging works of art and for writing threatening letters, a whipping can be ordered. Personally, I have never been very much in favour of whipping as a penalty. It is certainly a degrading thing for any human being and I am not one of those who believe that it has any great deterrent effect, particularly as I think most offenders do not expect to be ordered a whipping in these days. However, the death penalty is a different matter: it is known by all members of our society to be the only penalty that a court can order for the crime of murder. I have always thought that it would have a serious deterrent effect, not in all cases of murder but in some, because we know that in many cases murder is not a premeditated act in the sense of having been thought over in advance.

In the second reading explanation the book of Sir Ernest Gowers, who was Chairman of the Royal Commission on Capital Punishment, 1949-1953, written in 1956, was referred to, as was the attitude of various other people. I read that book when I thought a similar Bill was to be introduced in the Council five or six years ago and I found it enlightening as to the thoughts and opinions of other people, but not particularly helpful to my own thinking. In the second reading explanation of this Bill Dr. Ramsay, the Archbishop of Canterbury, was referred to as being in favour of the abolition of capital punishment. However, in Sir Ernest Gowers' book the opinion of Dr. Ramsay's predecessors, Dr. Fisher and Archbishop Temple, are quoted. Dr. Fisher, while debating the various opinions that the church recognized, said that in his personal view the death penalty should be retained for certain offences because of its deterrent value.

Archbishop Temple did not think that the penalty could be justified. The Bishop of Winchester (Bishop Haigh) and the Bishop of Truro thought that the death penalty was justified. The book also quotes the differing opinions of various judges, mainly, on my

reading of the book, in favour of the retention of the death penalty. However, some people have changed their minds. Several eminent people who had said they were in favour of keeping the death penalty have changed their minds towards its abolition. One or two people have gone the other way: they were in favour of the abolition of the death penalty but have now changed their minds the other way.

I think that in recent years there has been a softening of the attitude for the retention of the death penalty, and many people who previously were in favour of retention now favour abolition. It is a very confused matter; it is difficult to make up one's mind about it. I have always, as I said previously, had the feeling, rightly or wrongly, that the death penalty was a deterrent in some cases. If it deters in only some cases, it is worth retaining. We have a situation in South Australia at the moment that I should have thought was ideal in these difficult circumstances—that it is compulsory for the court to order capital punishment for a murderer found guilty, but both major Parties over the years have commuted the sentence in practically every case. From memory, I think there has been only one hanging in South Australia for many years.

The Hon. A. J. Shard: There may have been two.

The Hon. Sir ARTHUR RYMILL: That is over a fairly long period?

The Hon. A. J. Shard: Yes.

The Hon. Sir ARTHUR RYMILL: Thus, the situation is that the death penalty is rarely invoked but, if it has a deterrent effect, surely the situation is such that we must retain that deterrent effect. The position is further confused (again, I refer to Sir Ernest Gowers' book) by the returns in countries that have retained and countries that have abolished the death penalty. The appendix to the book tends, in my estimation, to show the curious situation that, where the death penalty has been abolished, either less murder has been committed or no greater amount has occurred. A comparison is made between Queensland, New Zealand and New South Wales, where various laws apply; between two States in New England in the United States; and between three other States in the United States. Graphs also show the position in Sweden and the Netherlands. I do not think we can get a clear picture from any of these graphs to show whether or not the death penalty is a deterrent —which, I must say, surprises me considerably.

On the other hand, various other ancillary suggestions have been made about the effects of abolition or otherwise. It has been suggested (by many people, of course) that, if the death penalty was abolished, there would be less sensationalism and emotionalism about murder trials; and, from that point of view, abolition would be a good thing. On the other hand, it has been suggested that, if the capital penalty was abolished, juries might convict more readily than they do now in murder cases, which might not be a good thing. There are always conflicting matters that make the whole question terribly complex, and not the least curious feature, to me, is the fact that this Bill does not substitute for hanging compulsory imprisonment for life. One would have thought, on all the arguments involved, that, if the death penalty was to be abolished, compulsory life imprisonment would be imposed —but that is not the case, because clause 8 of the Bill provides:

Section 11 of the principal Act is amended by striking out the passage "is convicted of murder shall suffer death as a felon" and inserting in lieu thereof the passage "commits murder shall be guilty of felony, and liable to be imprisoned for life".

What does "liable to be imprisoned for life" mean? The answer, if one looks for it, is simple, because it is a defined phrase in the Criminal Law Consolidation Act, which this Bill amends. Section 5 of that Act states:

"Liable to be imprisoned for life" means liable to be imprisoned for life or any less term.

The Hon. R. C. DeGaris: It is at the discreation of the courts.

The Hon. Sir ARTHUR RYMILL: Yes; the courts would have a complete discretion. That may or may not be a good thing in itself, because there are very good reasons why a court is and has been historically bound to award only one penalty for murder. I will not go into those reasons at this stage because I do not think it would add very much to the debate but, as I have said, one would have expected a similar compulsory sentence to be provided which, in itself, might be capable of being whittled down in certain circumstances by Executive Council.

At present, as I understand the situation, in the case of anyone convicted of murder and sentenced to death, as he must be, when the sentence is commuted it is, I think I am right in saying, invariably commuted to imprisonment for life. I do not know what the authorty of Executive Council is in this case.

The Hon. F. J. Potter: I think it exercises the Royal prerogative of mercy.

The Hon. C. M. Hill: Sometimes it also lays down a recommendation for a minimum term of imprisonment.

The Hon. A. J. Shard: It is for life.

The Hon. Sir ARTHUR RYMILL: A life sentence is practically never served, because people sentenced to life imprisonment have been let out in as short a time as 12 months; five to 10 years is quite normal, and 15 years is a long term to be served, I think, for life imprisonment. I shall listen to the remainder of the debate, including the debate in Committee, and I shall make up my mind, having heard the views of other honourable members, on how my vote will be cast.

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

ADJOURNMENT

At 4 p.m. the Council adjourned until Wednesday, March 3, at 2.15 p.m.