LEGISLATIVE COUNCIL

Tuesday, March 9, 1971

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

QUESTIONS

PRIMARY PRODUCERS

The Hon. A. M. WHYTE: I seek leave of the Council to make a brief statement, in which I shall quote a portion of an Act, before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: Many primary producers today are in difficult circumstances. Such is the position that it is becoming impossible for them to procure finance with which to buy the superphosphate necessary for the sowing of this season's crop. Many thousands of acres of land will be sown this year either without superphosphate or with insufficient superphosphate to secure a reasonable crop. We must, as a State, guard against that happening and see that every assistance possible is given to these people. There is an Act that almost covers the position, the Primary Producers Emergency Assistance Act, section 3 of which provides:

There shall be paid into the Farmers Assistance Fund the following amounts—(*a*) all moneys received from the Commonwealth and authorized by the Commonwealth to be used for the purposes of giving financial assistance to primary producers affected by drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity.

That is a very good provision, but it does not quite cover the present situation. There seems to be no room in that Act for the Government to assist in the purchase of the superphosphate necessary for sowing this season's crop. Section 5 (1) (*a*) of the Act states:

Advances to primary producers in necessitous circumstances as a result of drought, fire, flood, frost . . .

Nowhere does the Act state that the Government can make money available for the very purpose of sowing this year's crop. Can the Minister say whether it is possible, as a matter of urgency, to have the Act amended to allow money to be made available for what I believe is an urgent and most necessary step for the State to take to safeguard its grain growers?

The Hon. T. M. CASEY: The Act is administered by the Minister of Lands, who I know is interested in what the honourable member has said. If this money is to be provided by the Commonwealth Government, that Government should be consulted before there is any amendment to the Act. I know that over the years much trouble has been experienced in purchasing superphosphate at a particular time. I ran into this problem last year when touring country areas. Whether the matter of wheat quotas having been allocated to particular farmers is taken into consideration by the trading banks, I do not know, but this has been the way in which this matter has been financed to a large extent in the past. I know this as a result of talks I have had with bank officials throughout the State in the last 18 months. I do not know how many people are involved in this matter at present. I daresay that under the rural reconstruction scheme this whole question will be attended to. However, I shall discuss this matter with the Minister of Lands and obtain a report for the honourable member.

FIRE-FIGHTING EQUIPMENT

The Hon. L. R. HART: Has the Minister of Agriculture a reply to my question of December 2, 1970, on fire-fighting equipment?

The Hon. T. M. CASEY: I believe the Victorian Government did, in accordance with an election promise made by the Victorian Premier, authorize payment of a $2 for $1 subsidy, subject to certain conditions, to Victorian landholders for relatively small items of fire-fighting equipment that they purchased. My information is that, under the scheme, individual subsidies are limited to an amount of $250 on such equipment purchased after November 1, 1970, and they are paid only in respect of certain types of pumping equipment, which must comply with fairly rigid specifications. In addition, the landholder must provide and maintain (without subsidy) a water storage of at least 80gall. The equipment must not be permanently fitted to any trailer, or be capable of being attached to a tractor. Although the equipment may be used for other purposes by the landholder, he must undertake to have it available at all times for immediate use for fire fighting during fire danger periods, and must maintain it in an efficient condition. For this purpose, it it subject to close inspection by country fire authority personnel.

The whole question of the organization and functioning of emergency fire services in South Australia is currently under review,

and I would expect that all aspects of the various systems in operation in other States (including Victoria) will be carefully examined during these investigations. Meanwhile, I expect that the present basis of subsidies operating in respect of the purchase and maintenance of equipment used by registered fire-fighting organizations in this State (a basis which I suggest is not ungenerous) will continue to apply.

FIRE BANS

The Hon. M. B. DAWKINS: I understand that the Minister of Agriculture has a reply to the question I asked last week regarding the re-wording of fire ban announcements. Will he give that reply?

The Hon. T. M. CASEY: The approved format of the wording of fire ban announcements now in use is as follows:

Announcement when fire ban imposed:

"The following bushfire warnings, which apply in South Australia, are broadcast at the request of the Minister of Agriculture—

'Today is a day of extreme fire danger and the lighting and maintaining of fires in the open is prohibited—("throughout the whole State" or in the districts, as named).

The prohibition extends to camp fires and incinerators and barbeques of all types, and any person disobeying this warning is liable to a penalty of up to $200.

(When some districts are omitted)

In all other districts before lighting fires please ensure that there is no breach of any district council by-law.'"

Announcement when no fire ban has been imposed:

"Although the Minister of Agriculture has not issued any fire bans today, please ensure that, before lighting fires, there is no breach of any district council by-law."

The text of the announcement was devised in consultation with the Chairman of the Bush Fires Advisory Committee, the Director of the Bureau of Meteorology in South Australia and representatives of the broadcasting and television media. It has been the subject of very careful examination over a long period, and from time to time alterations have been made to the authorized form of announcements in efforts to improve their clarity and impact, having due regard to the need for brevity. I might add that the broadcasting and television stations have co-operated splendidly in conforming with the authorized text.

I do not suggest that the present wording could not be improved; and I appreciate the point made by the District Council of Barossa which, incidentally, is a highly fire-conscious body. I have received other suggestions for improvements to the present form of the announcement, and I shall certainly discuss all these suggestions with the authorities concerned, to see whether we can convey the essential information to the public in a better form. However, I am doubtful of the wisdom of making significant departures from the now wellknown (I hope!) text of the announcement in the middle of the fire season; and it may be preferable to defer any alterations until next season. I take this opportunity, nevertheless, to urge the public to listen carefully to the full text of the daily broadcast announcements, and not to rely on a portion only of the text. I am confident that the vast majority of people, who are responsible citizens, would take note of the full announcements.

NATURAL GAS

The Hon. R. A. GEDDES: Recently I asked the Chief Secretary a question regarding the feasibility of transporting natural gas from Peterborough to Sydney. Has he a reply?

The Hon. A. J. SHARD: Correspondence has been received from the Peterborough Businessmen's Association suggesting that natural gas from Gidgealpa be railed to Sydney from Peterborough. This matter is at present being investigated.

LOCAL GOVERNMENT CLERKS

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Minister of Lands representing the Minister of Local Government.

Leave granted.

The Hon. C. M. HILL: I understand that the number of students sitting for the local government clerks examinations continues to be small, and that the shortage of qualified clerks remains throughout the State. Some keen and able young men, working in council offices, have difficulty in qualifying to be permitted to sit for the examinations because they do not hold the prerequisite educational qualifications, and the discretionary power of the committee cannot be, or has not been, exercised. I believe, too, that new regulations that are to be tabled will widen this discretionary power.

One young man has made representations to me. He does not hold the three required Leaving examination subjects, but he has been employed by a council for 3½ years. He holds the Royal Society of Health Diploma

(a three-year study course) and the Local Government Weed Officer's Certificate, and he has qualified for a Building Inspector's Certificate. Because he has been refused permission to sit for examinations for the clerks certificate, he must now decide whether to abandon his studies. Has the Local Government Clerks Examination Committee power to grant exemption in such a case and, if it has not, is it planned that the proposed regulations will widen the discretionary power to assist such an applicant?

The Hon. A. F. KNEEBONE: I will refer the honourable member's question to my colleague and bring down a reply as soon as possible.

CONTRACEPTIVE PAMPHLET

The Hon. E. K. RUSSACK: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Education.

Leave granted.

The Hon. E. K. RUSSACK: An article in the *Advertiser* of February 24 states:

A 27-page pamphlet called "What Every Girl Should Know About Contraception" will soon be distributed to secondary schoolgirls in Adelaide.

In connection with this matter I have received several letters, one of which was from a welfare club association representing 27 schools. That letter says:

The members were unanimous in carrying a proposal deploring this type of activity.

The following is portion of a letter I received from the Kulpara School Welfare Club:

It is the parents' prerogative, and ours alone, to instruct our children in such things.

I have also received a letter from the Wallaroo Mines School Welfare Club. Whilst some of the schools represented by these clubs are not secondary schools, many of the mothers in the welfare clubs have children who do attend secondary schools. Since no effort has been made by the Women's Liberation Movement to submit a sample pamphlet to parents and others in authority, I ask the following questions: (1) Has the Minister of Education seen the pamphlet? (2) Will the Minister instruct headmasters to stop distributing the pamphlet in their schools? (3) Will the Minister instruct his department to investigate ways of preventing the distribution of the pamphlet at school gates?

The Hon. T. M. CASEY: I will be happy to relay the honourable member's questions to my colleague, who I believe has already taken some steps along the lines sought by the honourable member. Although I do not know how one can prevent people from handing out literature on the streets, nevertheless I will get a considered reply from my colleague and bring it down as soon as possible.

COOBER PEDY

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

Leave granted.

The Hon. A. M. WHYTE: Last December I was a member of a deputation that met the Minister with a proposal for the Government to take over the whole of the property known as Mount Clarence, which is a pastoral property in which the mining activities at Coober Pedy are centred. Unfortunately for the leaseholders, the mining operations are hampering the pastoral activities. Although it is well known that the opal industry is more valuable to the State than these pastoral pursuits in this region at present, it is fair to say that the leaseholders have complied very well with the covenants of their lease. The Minister, who is aware of the awkward position, told the deputation that he would take up the matter with Cabinet and try to arrive at a solution. One of the points raised during the discussion between the deputation and the Minister was that, by the takeover of this lease, perhaps all the necessary drinking water for Coober Pedy could be obtained; this would help the Government, because at present water supplied to Coober Pedy is very costly. Has the Minister discussed this matter at Cabinet level and has any conclusion been reached?

The Hon. A. F. KNEEBONE: I know this is a serious situation and I have sympathy with the leaseholder at Mount Clarence. The matter has been considered, but has been delayed to some extent to gauge the effects of the amendments to the Pastoral Act and the proposed amendments to the Mining Act. Another difficulty is that if the lease were made Crown land or brought back under the control of the Government, compensation would have to be paid to the leaseholder, running into many thousands of dollars. A further problem, as the honourable member is well aware, is that leaseholders are required to keep in repair and to maintain the wild dog fence which extends over the whole of that

area to keep wild dogs out of the inside properties. This would involve a great cost to the Government. At present the leaseholder is assisted out of the fund for maintenance of the area. In New South Wales, where men are employed to patrol the wild dog fence, the maintenance costs are extremely high. One man is responsible for every 25 miles, and Mount Clarence alone has 65 miles of fence to be maintained, and the property covers 1,500 square miles, so keeping out wild dogs poses a serious problem. The high cost of taking over the property would not be easily recouped from the mining industry, and all these problems necessitate very close examination of the proposal put forward.

The Hon. Mr. Broomhill, the Minister assisting the Premier, will visit Coober Pedy next week to look at mining in the area. I have asked him, if he has time while he is there, to inquire into the situation regarding Mount Clarence. I have great sympathy for the leaseholder. I have seen photographs of the damage done to the property and the fences and the unfilled areas which have been bulldozed and left. I know of the position from my officers and from photographs in my possession. We are still inquiring into the matter, giving it serious consideration, and when anything is decided I will inform the honourable member.

GAUGE STANDARDIZATION

The Hon. C. M. HILL: Will the Minister of Lands, representing the Minister of Roads and Transport, provide an interim report on the current position of negotiations with the Commonwealth Government to achieve the standard gauge railway connection between Adelaide and the Indian-Pacific route?

The Hon. A. F. KNEEBONE: I will contact my colleague and endeavour to get the information that the honourable member desires.

PARLIAMENT HOUSE

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question about the reference to the Public Works Standing Committee of the renovations to Parliament House?

The Hon. A. J. SHARD: The Public Works Standing Committee will continue with its investigation of and report on Parliament House.

PORT LINCOLN POLICE HEADQUARTERS

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Port Lincoln Police Headquarters.

UNFAIR ADVERTISING BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

It gives effect to a recommendation contained in the Report on the Law Relating to Consumer Credit and Money Lending which was prepared in the Law School of the University of Adelaide and which is commonly referred to as the Rogerson report. This measure is one of a series that the Government proposes to introduce to give effect to its policy of "consumer protection". In this modern competitive society no-one would deny the right of the vendor to cry his wares in the market place and to take advantage of modern methods of mass communication in bringing the virtues of his goods before the public. However, it is not unreasonable to suggest that his advertising should not contain any materially inaccurate or untrue statements and that it should not be such as to mislead or deceive the people to whom it is directed.

The Bill is, therefore, intended to restrict "unfair advertising"—that is, advertising that contains a statement that is untrue or inaccurate in a material particular or that is likely to deceive or mislead the persons to whom the advertisement is directed. Clause 1 is formal. Clause 2 sets out the definitions necessary for the purposes of the Bill, and I would draw honourable members' attention to the definition of "unfair statement", which represents the keystone of the measure. Clause 3 is the operative clause of the Bill. Subclause (1) sets out the substance of the offence provided for. Subclause (2) provides a defence for the defendant to prove that at the time of publication he believed on reasonable grounds that the unfair statement was not an unfair statement. Subclause (3) affords a substantial measure of protection for what may be called "innocent publishers" and provides, in effect, that such persons will not come within the ambit of the offence provision at all unless it can be shown that they knew the alleged unfair statement was such an unfair statement. Subclause (4)

provides a further defence to a prosecution for the defendant to prove that the statement was of such a nature that no reasonable person would rely on it. This should cover to some extent claims in advertisements that are of a "puffing" nature. Subclauses (5) and (6) together provide for the consent of the Attorney-General before a prosecution can be commenced under the Bill. Clause 4 is the usual provision providing for summary proceedings.

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

PUBLIC SERVICE ACT AMENDMENT BILL

In Committee.

(Continued from March 3. Page 3719.)

Clauses 2 to 7 passed.

Clause 8 negatived.

Clause 9—"Vacancy in an office of Permanent Head."

The Hon. C. M. HILL: We have before us a Bill and a second reading explanation that we use for guidance. Now we have the Minister already having voted against one clause. The implication seems to be that other clauses, too, will be negatived. If any explanation of this procedure has been given by the Government, I am sorry that I cannot recall it. If no explanation was given when the second reading debate was finalized by the Chief Secretary, I think the Committee should be advised of the reasons why at one time the Government introduces a Bill and later votes against some of its clauses.

The Hon. A. J. SHARD (Chief Secretary): As the honourable member may not have been in the Chamber when I made my explanation last week, I refer him to page 3718 of *Hansard*. The reason why clause 10 will not be proceeded with is that it is consequential on clause 8.

The Hon. C. M. HILL: I am satisfied. I regret that I omitted to follow that small part of the debate last week.

Clause passed.

Clause 10 negatived.

Clauses 11 to 18 passed.

Clause 19—"Closure of offices, etc."

The Hon. C. M. HILL: Under this clause the grace days at present enjoyed by public servants over the Christmas period are to be absorbed in the new Government plan to grant four weeks' annual leave. This will mean that the extended leave will not be a full week in addition to the leave now granted. Is there any need for the words "unless the board directs otherwise" to be included in this clause? If they are included, I believe that public servants could be granted four weeks' leave and an additional three grace days with the consent of the board, which I do not think the Government intends.

The Hon. A. J. SHARD: There is a reason why these words are included, but it would be difficult for me to locate it now. I ask that consideration of this clause be postponed.

Consideration of clause 19 deferred.

Remaining clauses (20 to 26) passed.

Progress reported; Committee to sit again.

Later:

Clause 19—"Closure of offices, etc."—reconsidered.

The Hon. A. J. SHARD: I am glad to be able to get the answer so quickly for the Hon. Mr. Hill. I think it will satisfy him and other honourable members. In its present terms, section 86, which is proposed to be amended by clause 19 of the Bill, not only deals with the traditional "grace days" but also provides for the closure of offices to the public for any other reason. It is not difficult to imagine a situation where it is desirable, in some circumstances of emergency, to close offices of a particular department to the public—for instance, as the aftermath of, say, a severe fire or so that certain officers of a particular department can take part in a relief programme in case of bush fire or flood. It would, in the Public Service Board's view, be utterly unreasonable to expect an officer who was not required to work because of such a closure to, in effect, forfeit a day's leave when the circumstances of the closure were entirely beyond his control. Accordingly, it seems desirable that a small area of flexibility in this matter be preserved in the Bill. The absence of the "power to direct otherwise" would, it is suggested, substantially diminish the value of the clause. I hope that explanation satisfies the honourable member.

The Hon. C. M. HILL: I thank the Chief Secretary for the detailed manner in which he has prepared his reply. I am now perfectly satisfied.

Clause passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

Adjourned debate on second reading.

(Continued from March 3. Page 3714.)

The Hon. F. J. POTTER (Central No. 2): This Bill deals with the reduction of the voting age for people in this State to the age of 18 years, and I support the principle of this reduction. As other speakers have said, this Bill is linked with another Bill on the Notice Paper dealing with the age of majority. Although I support that Bill in general, I have some reservations on certain aspects. I believe that, in some respects, this change is with us now. Most political Parties in this country, if my reading of press statements that have been issued here and in other States is correct, support the lowering of the voting age to 18 years. Indeed, I understand that at one time the Attorneys-General of all the States and the Commonwealth met and agreed to introduce legislation to bring this about. So far, only two States have moved in this direction. As we all know, Western Australia has moved to reduce the voting age to 18 years and, indeed, people of and above this age voted in the last election only a few weeks ago in that State. New South Wales has proceeded to legislate to provide for voting at this age, but its legislation is awaiting full implementation until the Commonwealth Government introduces similar legislation.

I will return to this point in a moment or two, because it is important. Although I support the second reading of this Bill and support in principle the reduction to this age, I think there are some important matters that will have to be looked at with much concern by this Council. I may not be able to support this Bill all the way through if some effort is not made by amendment to deal with these difficulties. I think it is obvious from the amendments already on members' files that some attempt will be made in Committee, if we get that far, to deal with some of these important problems.

I agree in principle that the voting age should be reduced to 18 years, because there is an overwhelming case to be made out for this on one ground alone: indeed, perhaps it is the most important ground. Many of our young people between the ages of 18 years and 21 years are engaged in the work force and are paying their share of Commonwealth and, consequently, State taxation. I have looked up some figures on this. Unfortunately, the latest available figures are those taken in connection with the last census which, as honourable members know, was as far back as June 30, 1966. It is interesting to note that in South Australia at that time 11 per cent of our population was between the ages of 15 years and 20 years. The Commonwealth Bureau of Census and Statistics Labour Report, issued in 1967 in respect of the 1966 census, gives figures for the total work force in Australia. These figures cannot be broken down for separate States, but I think it can be said that there is a fairly uniform pattern throughout the Commonwealth. That report gives the total work force in Australia as 4,856,455 people, and it is interesting to note that in that work force there were more people at work between the ages of 15 years and 19 years than there were between the ages of 20 years and 24 years.

I have taken out a percentage calculation on the figures quoted in the report, and this discloses that in Australia at that time 16.6 per cent of the work force of this country was aged between 18 years and 21 years. That is a significant figure, and I believe that on that ground alone it is fit and right that we should extend the vote to those people, who are working and paying their taxation. We all know the old cry (it has gone into literature now) that was first created when the American States broke away from Great Britain: no taxation without representation. The people comprising this 16.6 per cent of our work force are paying their taxes and are working, and I think that on that ground alone we should extend the vote to them.

It is very easy to get the impression (I believe many honourable members have got this impression) that the people in this age group are not greatly concerned about voting. I believe that that is generally true. However, I think there are many people in the community, whether they be 18 years or 21 years or any other age, who are in this category. When one talks to them about voting one finds that they are somewhat indifferent to political matters and perhaps to what form of Government they have. Indeed, I think this is another strong argument why we should introduce some permanent scheme of voluntary voting. However, that is by the way.

I believe it is probably true to say that of all the things that young people between 18 years and 21 years are concerned about they probably are least worried or concerned about voting. Although it may seem rather peculiar for a politician to be saying this, I, too, regard

this question as being somewhat of less consequence and significance than are some of the other very important matters dealt with in the Age of Majority (Reduction) Bill. That is not to say that I do not recognize that political problems probably will arise in extending the vote to the people in this age group. However, I think this is a challenge that we have to face, and that both political Parties will have to prepare their own methods in endeavouring to sell their policies to those people. Along with some other honourable members, I would welcome the opportunity of seeing some voluntary voting imposed at this stage. Indeed, I think that during such time as the matter is not being dealt with on a broader sphere we should take the opportunity of making an initial move in this direction by allowing a voluntary vote to people within this age group.

That is where I stand on the question of principle. As I said earlier, I do not intend to give this Bill complete support until we can solve in Committee some of the very difficult matters that arise as a consequence not only of this Bill but also of the Age of Majority (Reduction) Bill now before this Chamber. I think all these matters have been touched on by other speakers, so I do not want to reiterate the problems that exist. Very briefly, the first one, as we all know, is that a constitutional problem will be created by the passing of this Bill and the Age of Majority (Reduction) Bill so long as the Commonwealth Government does not reduce its voting age to 18 years. We all know that the Commonwealth Constitution provides that any person who is an adult may claim the right to vote in elections for the Commonwealth Parliament.

In our Age of Majority (Reduction) Bill we intend, as I understand it, to reduce the age of adulthood in South Australia to 18 years. Therefore, if that Bill passes, in conjunction with this Bill's also extending the vote we will have the very real difficulty that people who are over 18 years and under 21 years will have a right to claim enrolment for the Commonwealth House. This will undoubtedly cause distinct problems in connection with the representation in the Commonwealth House of this State vis-a-vis the other States. A further seat would possibly be created in South Australia, as against the other States, and that alone poses a serious constitutional problem. Of course, it may not be much of a problem for South Australia, but it will certainly raise prob'ems for the other States and the Commonwealth.

The Hon. A. J. Shard: They have more than their share of problems today!

The Hon. F. J. POTTER: That may be so. However, we do not want to create a constitutional problem by unilaterally reducing the age to 18 years. As the Hon. Mr. Hart said, we would create a further problem within our own State in connection with electoral distribution. We already have enough complaints in this State about the alleged imbalance between country and metropolitan electoral districts. We have heard *ad nauseam* that it is still an unfair system and weighted in favour of the country. As the Hon. Mr. Hart said, by reducing the voting age to 18 years we would further widen the gap between country and metropolitan representation. Furthermore, it is likely that we would disturb the balance of electoral representation in districts within the metropolitan area. The age distribution in some metropolitan districts is very different from that in other districts.

Only recently we solved some of our electoral problems by a massive redistribution that attempted to provide electoral justice within the terms of reference given to the electoral commission. We have more or less equalized metropolitan representation in this Council as between electoral districts. If this Bill is passed as it stands we will disturb that balance and also affect the balance between city and country seats. In that case we may well see a further attempt in the almost immediate future by the Government to effect another electoral redistribution.

If we reduce the voting age to 18 years we will also immediately have to consider whether voting by people between the ages of 18 years and 20 years should be compulsory for the House of Assembly—and for the Legislative Council, for that matter, although that is another question. I see no reason at all why we should not reduce the voting age to 18 years for the Council also. We know that voting would remain voluntary for the Council; indeed, I should like to see voluntary voting extended to the House of Assembly elections, and for people of all ages.

The Hon. Mr. Dawkins has foreshadowed an amendment that attempts to solve the problems I have referred to; the amendment provides that the reduction in the voting age is not to come into force until similar legislation is enacted by the Commonwealth Parliament. I have not looked at the provisions of the New South Wales legislation, but I presume that

the foreshadowed amendment would make this Bill similar to the legislation already on the Statute Book in New South Wales.

The honourable member's amendment may provide an easy way out of the problem, but it cannot be looked at in isolation, because we also have on the Notice Paper the Age of Majority (Reduction) Bill. It is that Bill that complicates the issue. Western Australia avoided the constitutional difficulty by moving only on the matter of the voting age. I agree with the Hon. Mr. Hill that by passing these Bills we will create a constitutional problem, and the people who will be affected by these Bills are the very people to whom we are trying to give the vote—those between the ages of 18 years and 20 years. I agree with the honourable member that it is unfair that we should involve them in this kind of problem at this stage. We should give them the vote when the move is supported throughout Australia. All political Parties and all Governments are moving strongly in that direction, and it will not be very long before the Commonwealth Parliament acts in this connection.

I support the Bill, but during the Committee stage I will support an amendment along the lines suggested by the Hon. Mr. Dawkins. I do not think it is any good fiddling with this problem by reducing the voting age to 20 years. That alteration is of such a small compass that it is hardly worth our considering, although I appreciate the reasons advanced by the Hon. Mr. Whyte when he spoke on that matter. I support the second reading, but during the Committee stage I will speak on the very important matter of co-ordination with Commonwealth legislation.

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

AGE OF MAJORITY (REDUCTION) BILL

Adjourned debate on second reading.

(Continued from March 3. Page 3715.)

The Hon. G. J. GILFILLAN (Northern): This far-reaching Bill has been covered in detail by previous speakers. Although the Minister's second reading explanation quotes extensively from a British report, at the same time it clearly admits that there is such a thing as an age of responsibility. This is the point where members of Parliament and members of the public differ in their view on what is actually the age of majority. In South Australia we recognize at present that a person is fit, if properly qualified, to drive a motor vehicle at the age of 16 years, but in other States the age is greater. The age at which it is permitted to drink alcoholic liquor in a hotel is 20 years in South Australia, as compared with varying ages in other States.

When we come to the more serious factors involving the absolute age of majority we get into a very different field. Throughout the second reading debate on this subject I have been unable to find a positive reason for the necessity to change the age. It is true that opinions may vary as to the age of majority for different individuals, depending on the maturity of the person concerned. I see no evidence of demand, either from the general public above the age of 21 years or from the young people below that age. I have talked to many groups of young people, and I find that, in the main, they are too occupied at the age of 18 years to want to become involved in the more complicated problems arising out of full adult responsibility. I have concluded that this move is designed not to give the young people any special privileges, but rather to compel them to accept certain responsibilities. We are taking a very dangerous step if we force upon this age group responsibilties which have been reserved in the past for those of more mature years.

Certainly the young person of today is very capable and, in the main, well educated, and I believe this will prove to be the best generation we have seen. I hope to see this improvement continue with the added advantages modern living gives in the development of young people, but I question the adding of the pressures of modern life to those already experienced by this age group. There is very strong competition in the educational field. The young person attending school must compete throughout school life to gain a place in university, for instance, in a subject of his or her choice. The competition existing in our modern living is illustrated only too tragically by the rising rate of suicide within this age group—a facet which gives thinking people cause for concern.

I can only conclude on reading the Bill that the motives behind it are such that it is hoped to gain political advantage from including young people within the age of full adult responsibility. I question the advisability of moving away, without further proof of demand, from what has been

accepted and proven as a responsible age. We have in this group students, many of whom are in their matriculation year. We have apprentices, apprenticed for varying periods of time, depending upon the trade in which they are engaged. We have other young people under the age of 21 years with limited financial resources. The Bill specifically excludes from its provisions the industrial awards. I can quite understand this, because this would put people in this age group at a disadvantage in seeking employment in competition with those more experienced, but we are conferring upon them the responsibilities of the age of majority without corresponding financial benefit to enable them to meet these responsibilities. There has been no indication by the Government of any intention to give these young people added concessions by way of perhaps reduction in fares on public transport and in other fields under its control. Instead it is placing a very heavy responsibility upon them by compulsion, at the same time restricting their financial capacity to meet that responsibility.

The Bill covers a wide range of activities where a person of 18 years or more will be able to accept full responsibility. One is in the adoption of children, and another is the responsibility of serving on juries. Another area which causes me some concern is the Licensing Act. I do not suggest that many young people are incapable of drinking liquor and behaving rationally. We have many young responsible people well able to do this.

The Hon. A. J. Shard: The vast majority.

The Hon. G. J. GILFILLAN: But I do question the advisability of bringing down this provision in isolation, and not in an amendment to the Licensing Act with a full review of the penalties and other factors involved. We have the problem now, with the drinking age at 20 years, that it is difficult to identify in hotels those under 20 years, but the difficulty would be magnified if the age were reduced to 18 without further review of penalty and responsibility. The hotelkeeper would be placed in a very difficult position if he were faced with an 18-year-old in school uniform. How could he distinguish between an 18-year-old, a 17-year-old and a 16-year-old, all in school uniform? Who is to prevent young people, when this age becomes legal, from going to a hotel after school? This is where I see problems arising by dealing with this subject in just one clause instead of reviewing the whole Licensing Act.

I am not so much concerned about the 18-year-old people, who are in the main responsible; I am concerned about the younger age groups that may be involved, because there is in any group of young people an apparent variation in age of two or three years.

So I view this Bill *in toto* with much concern. As I see it, it confers no worthwhile privilege on young people; it merely adds to their responsibility and the compulsions that are upon them in this modern day and age at a time when they should be able to devote their full attention to developing their personalities and completing their education without having to have this type of responsibility thrust upon them. It is a matter of compulsion. If this Bill passes, young people of 18 will have to accept adult responsibility. With these doubts, I do not intend to support the Bill.

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

CAPITAL AND CORPORAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from March 3. Page 3718.)

The Hon. JESSIE COOPER (Central No. 2): This Bill deals with a matter that usually arouses more passion than logic, and more opinions and bias than fact. We are dealing with a matter that touches closely on people's religious beliefs, their fears and their personal psychological reactions. There are always strong forces operating against punishments of all sorts for every imaginable crime; at the same time, it may be noted that there are people in any community motivated by revengeful viciousness.

The fact that human beings tend to extreme points of view and show extreme patterns of behaviour in matters that arouse their emotions to a high pitch, such as crime or injustice, certainly does not facilitate the production of logical laws. In considering the case for the abolition of capital punishment, we all realize that there are amongst us in our community groups indomitably opposed to this kind of punishment. There are many religious groups that believe in universal forgiveness; there are those who believe that every criminal, irrespective of his record, is capable of reformation and should be given a chance to rehabilitate himself; there are those in and close to Government who do not wish—in fact, are not prepared—to accept the responsibility of life and

death decisions, and they form another group that would like to see this sombre penalty removed from the Statute Books.

Our responsibility, which has been placed fairly on our shoulders, is to devise laws that will protect the social organization evolved in our environment. We cannot shed this responsibility solely because we have personal beliefs or leanings or even a desire to refrain from making irrevocable decisions. After all, decisions of life and death have to be made every day by our medical practitioners, by commanders in our defence forces and even by Government welfare organizations. In this matter, we as members of the Legislature cannot opt out for personal comfort.

One of the first points I wish to deal with is the commonly stated contention that most murders are crimes of quick passion or rage and, therefore, are not subject to any inhibiting effect of the extreme penalty. This, I believe, is a misstatement of the situation. A proportion of murders is committed in such circumstances—but only a proportion. Most murders are committed for personal gain, for personal protection, for all the reasons that gangsters, racketeers and drug peddlers have for annihilating their adversaries and their rivals. Murders as crimes of revenge have been common; murders out of plain moronic viciousness have probably been more common—and here I would remind honourable members of the Hon. Mr. Springett's categories of murderers stated at the beginning of this debate.

Murders by armed robbers who panic at a critical stage are probably one of the most common type. In other words, a high proportion of murders do not fall into the category of crimes of passion. Many of them are planned in advance or the murderer is at the scene of the crime suitably armed for such an eventuality. He has bought the gun before he has gone to the place.

The Hon. T. M. Casey: Is the gun loaded?

The Hon. JESSIE COOPER: Yes. In most cases, it comes in awfully handy. I believe that only the extreme penalty will deter the average would-be murderer, the man in whom the Hon. Mr. Casey is interested—that is, the man who comes armed and prepared to kill. We hear repeated again and again (and we have heard it in this debate) that there is no evidence to show that capital punishment is a greater deterrent to murder than is the threat of a protracted period of imprisonment. So many people have repeated this fallacy so often that it has become accepted as a fundamental truth in our press and in many other quarters. Let me examine the true situation, forgetting the old furphy about lies and statistics, and see what the Commonwealth Government Statistician, that producer of cold hard facts, has to say.

In the official *Year Book of the Commonwealth of Australia* No. 55 of 1969, a table for 1964-68, five years in the latter part of the last decade, shows the complete figures for homicides in the Australian States. The Statistician uses the term "homicides" to indicate murders, attempted murders and manslaughters, but manslaughters do not include manslaughter on the road, etc.; these are murders, attempted murders or murders that have been reduced to manslaughter. These are reported actual cases, not convictions or even arrests. In 1964-68, four States, namely, Victoria, South Australia, Western Australia and Tasmania, had capital punishment. Queensland and New South Wales did not have capital punishment. Tasmania abolished capital punishment in 1968.

In order to analyse the figures given in the year book on a per capita basis, I propose to take the population figures as assessed in the 1966 census. On this basis, the homicides in the four States that had capital punishment, aggregated over the five years, were: Western Australia, 69 per million of population; South Australia, 77 per million of population; Tasmania, 83 per million of population; and Victoria, 114.3 per million of population. In the two States which had abolished capital punishment the figures were: New South Wales, 144.5 per million of population; Queensland, which had not had capital punishment since 1922, was way out in front with 150 per million of population for the five-year period.

If honourable members wish to know how I arrived at my figures, I shall give the details for the six States of Australia for the period 1964-68. New South Wales, with a population of 4,233,822, had 612 homicides, or 144.5 per million of population. Victoria, with a population of 3,219,526, had 368 homicides, or 114.3 per million of population. Queensland, with a population of 1,663,685, had 250 homicides, or 150 per million of population. South Australia, with a population of 1,091,875, had 84 homicides, or 77 per million of population. Western Australia, with a population of 836,673, had 58 homicides, or 69 per million of population, and Tasmania, with a population of

371,435, had 31 homicides, or 83 per million of population.

The Hon. R. C. DeGaris: It would be a better comparison if you included Queensland, South Australia and Western Australia as one group.

The Hon. JESSIE COOPER: The Leader will have to be patient until I come to that later. Australia, with a population of 11,417,016, had 1,403 homicides, or 123 per million of population. It is the figure 123 that honourable members should bear in mind. Summarized another way, the four States with capital punishment had 541 homicides, or 98 per million of population, whereas the two States without capital punishment had 862 homicides, or 146 per million of population. Out of all these facts, it is interesting to note that Queensland, which has not had capital punishment since 1922, averaged 53 per cent more homicides per million of population than did the four States with capital punishment combined.

The Hon. R. C. DeGaris: The two larger States as a separate comparison and the three smaller States as a separate comparison would be better because as the population increases the number of homicides increases.

The Hon. JESSIE COOPER: I have another example, too, because the 1968 figure shows clearly the same position. It does not matter for which period the figures are taken, they all come out in a similar pattern. The three States, Victoria, South Australia and Western Australia, with a population of 5,148,074, had 84 homicides, or 16.3 per million of population, whereas Queensland and New South Wales, with a population of 5,897,507, had 191 homicides, or 32.4 per million of population. In other words, the two States that did not have capital punishment had, in 1968, doubled the figure of the other States. Tasmania was not included because it abolished capital punishment in 1968. These figures give the lie to the oft-repeated statement that there are no records to show that any increase in homicides occurs when the penalty is reduced. A further interesting fact emerges from those figures: had Queensland and New South Wales retained capital punishment, and had their crime rate run parallel with the crime rate for the four States with capital punishment, then on a proportionate basis they would have had 578 homicides in the period and not 862, which was the figure recorded. In other words, 284 of the people murdered in that period in those two States might have been alive today. I oppose the Bill.

The Hon. A. J. SHARD (Chief Secretary): I have listened with a great deal of interest to this debate, and I thank honourable members for putting so much time into it. Whether or not I agree with what has been said is beside the point at this stage. In my humble opinion, the debate we have had on this very difficult question is one of the best debates I have heard since I have been in this Chamber. I am not going to quarrel with anything any honourable member said, whether or not he was in favour of the abolition of the death penalty. As the Hon. Mrs. Cooper has just said, it falls to the lot of each one of us to make up his or her own mind.

I have been worried over this question to such an extent that over the weekend I read every word of the speeches that have been made. Also, of course, I listened intently to the Hon. Mrs. Cooper's speech today. I did this in order to see whether there was somethink I had to reply to on a political or Party basis. I discovered that the only thing that contained any flavour of political accusation was in the speech made by the Hon. Mr. Hill, who said that it was a pity every honourable member was not able to vote freely according to his conscience. It is true that this matter is in the Labor Party's platform; it is quite straightforward, and I do not apologize for it. Part of the policy of my Party over a number of years has been that we would abolish the death penalty when we had the opportunity to do so, and every member of my Party knows this before he comes into Parliament.

I can say without any fear at all that I have had no doubts at the back of my mind in honouring that part of my Party's platform. There was a time when I did have some doubts as to the advisibility or desirability of abolishing the death penalty. However, quite apart from this matter being part of the Party's platform, I would vote for the abolition of the death penalty, because I have come to the conclusion over the years that that is the proper course. I was in London during the hearing of the Timothy Evans case, and I was surprised at the number of people who, before the conclusion of the trial, said that they thought this person was innocent. It was a matter of public conversation. We now know that the man was hanged and that when it was proved conclusively to the authorities that he was in fact innocent his body was transferred from, I think, the gaol cemetery to the public cemetery. Of course, that did not do him much good. From that time onwards, I have

been firmly convinced that rather than make one mistake it would be far better not to hang anybody.

If my memory serves me correctly, we have had one or two instances in Australia of people being gaoled and then subsequently found to be innocent. I remember reading not so many years ago of a case in New South Wales where somebody was gaoled for years and was then found to be innocent. Admittedly, he was not hanged, but to be inside prison walls for anything up to 15 to 20 years and then found to be innocent is a terrible thing. In a case in Western Australia today concerning a deaf mute there is a grave doubt whether the person concerned was guilty, and if that person had been hanged it would have been a terrible thing.

I make no apology for voting for the abolition of the death penalty. I respect every honourable member's point of view on this question. My Party cannot decide most social questions in such a straight-forward way as it can this question. One either believes in hanging murderers or one does not; one either believes in a life for a life or some other penalty.

The Hon. R. C. DeGaris: There are variations between that, aren't there?

The Hon. A. J. SHARD: I believe that members of my Party are almost unanimous in believing that the death penalty should be abolished; perhaps some do not, but I certainly do. I would not in any circumstances want to see one innocent person hanged. I appreciate the manner in which this matter has been debated. Honourable members have obviously spent a good deal of time preparing their speeches, and it is obvious that they have taken this question seriously. I hope that honourable members vote according to their conscience on what is a delicate question that concerns each and every one of us.

Bill read a second time.

In Committee.

Clause 1—"Short title and arrangement."

The Hon. V. G. SPRINGETT: I move:

In subclause (1) to strike out "Capital and Corporal Punishment Abolition" and insert "Statutes Amendment (Capital and Corporal Punishment)".

The Bill before us deals with the abolition of capital punishment and the abolition of corporal punishment. I, like the Chief Secretary, have been impressed by what people have been saying about this matter. Every honourable member is conscious that society has a duty and a right to organize its life for the peace, concord and safety of its citizens.

Time and time again it has been said that human dignity is the basis on which man has to stand or fall. Human dignity is expected from him and to be shown towards him. The word "dignity" has often been used in connection with the word "mercy". Surely mercy ensures for any man a degree of consideration in excess of what his individual actions merit, whereas justice ensures for the rest of the community a standard that is equal to what we would like to think of as our right. If we lack human charity, justice and mercy we may arrogate to ourselves functions that rightly belong to no man. If my amendment is carried there will be several consequential amendments. Consequently, I ask that my amendment be regarded as a "test" amendment.

In speaking on this matter earlier, I said that I would like to see capital punishment retained as "a" punishment, not necessarily "the" punishment. Although it is the only sentence a judge can pass on a man found guilty of murder, it is still at present "a" punishment and not the last word, because in a murder trial the jury makes a decision and the judge passes sentence. Further, there is a possibility of an appeal to other judges, following which the case goes before Executive Council if the appeal is dismissed. I do not think anything could be more reasonable than that procedure. In this way there is not only care to see that any mistakes are corrected but also the possibility of alternatives being introduced, depending on the man's state of mind, his health and other matters.

I turn now to the part of the Bill dealing with corporal punishment, which, in my opinion, serves no valuable purpose. When it is said that a person shall be given, say, two strokes of a cane, it is so stupid, because of the supervision that must be exercised and because the person who gives the actual strokes has to be very careful to ensure that he does not overstep the mark; as a result, he probably over-estimates his strength and the strokes are pointless. The father who sometimes chastises his son or the headmaster who sometimes chastises a student is inflicting much more valuable punishment.

The Hon. A. J. SHARD (Chief Secretary): I think I know what the honourable member is driving at. I did not know his amendments were on file until this afternoon, and the Parliamentary Draftsman had not seen them before

I drew his attention to them. I should like to consult the Attorney-General on this matter because I doubt whether he has seen the amendments, either. Therefore, in order that I can give a considered reply to the amendments, I ask that progress be reported.

Progress reported; Committee to sit again.

BUILDING BILL

Adjourned debate on second reading.

(Continued from March 3. Page 3717.)

The Hon. G. J. GILFILLAN (Northern): Although this Bill is essentially a Committee Bill, it contains some principles that are of concern to honourable members. Clause 5 provides:

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

(2) The Governor may, by proclamation, declare—

(*a*) that this Act shall not apply within an area or portion of an area specified in the proclamation;

(*b*) that any specified portion of this Act shall not apply within an area or portion of an area specified in the proclamation;

or

(*c*) that this Act, or any specified portion of this Act, shall not apply in respect of any specified buildings, or class of buildings, within an area or portion of an area specified in the proclamation,

and the operation of this Act shall be modified accordingly.

That clause means, in effect, that we will have a very different set of conditions from that which applies at present. Certain local government areas are at present under the Building Act but other areas are excluded because the councils concerned have not seen fit, in the interests of those areas, to have them brought under the legislation. The departure in the Bill before us is that that part of the State within the hundreds shall immediately come under the provisions of the legislation. It will be left to the Government of the day, presumably upon application, to exclude from time to time various portions of the State. In considering the implications of this clause we must also take into account the Builders Licensing Act and the regulations which are presently on the table in this Council. The three issues are very closely interwoven, because the Builders Licensing Act provides in Part I, clause 2 (2):

This Act does not apply to or in relation to the carrying out of any building work, or the construction of any building, outside the portions of the State to which the Building Act, 1923-1965, applies.

It is quite obvious that clause 5 of the Bill will have far-reaching effects not only on the Building Act but also on the Builders Licensing Act, in that builders will immediately find themselves caught up throughout the major part of the State.

Looking at the implications of the two Acts and the regulations now proposed, we find a complexity which surely must confuse builders and members of the public. We should completely review the whole situation. These new laws will be broken repeatedly, because foolish laws passed by Parliament lead to contempt of the law as a whole, and this is a bad thing. In these proposed amendments to the Building Act we find, from clause 14 onwards, references to the responsibilities placed upon councils. This is compulsion on local government. It would not be so significant if it applied only to those councils which now come under the provisions of the Building Act but, as it is intended to bring under the Building Act the whole of the council areas, this is an unfair imposition on the councils where local conditions do not make it desirable. I refer to the larger proportion of the State where provisions of the Building Act would be very difficult to administer and would constitute an imposition upon the residents.

In the rural sector, where a great variety of buildings can be found on every property, we could have the ridiculous situation of a person wanting to build a hay shed in some remote part of the State having, first of all, to submit plans and specifications to the local council and pay a fee. The project would be inspected by a building surveyor, who must be employed by the council—an added expense—and in addition, if we look at this legislation in conjunction with the Builders Licensing Act, we see that the farmer must employ a licensed builder to erect the hay shed. This is completely ridiculous, and will add to building costs as well as to the inconvenience of many South Australians. The Public Buildings Department has a country loading of from 25 to 30 per cent on building costs in areas which are not far distant from the metropolitan area. If the effects of these three measures are taken jointly, we will find absolute chaos in building and repair work over a great portion of the State.

At present we have many men (not tradesmen, because they would not qualify as tradesmen under the Builders Licensing Act) with considerable skills in different fields. For

instance, in many country towns local enterprises prefabricate the types of shed I have mentioned, the welding is done, and then they are erected. Under the provisions of the Builders Licensing Act many of these people would not qualify, so a building of this type must be done by a tradesman even though one may not be available in the district, leading to escalation of costs and in many instances disregard for the law.

We are considering a most complex situation. The Building Act, if properly administered by local government in the areas where local government considers it should apply, should cover all the points included in the two Acts and numerous regulations. If properly supervised and administered, we should have no reason to license builders. I suggest that the Builders Licensing Act should be brought up for review in the light of the many complications which have arisen since it came into force.

Finally, I refer to the regulation-making powers on page 26. In speaking on another measure last week, the Hon. Mr. DeGaris commented that the regulation-making powers in Bills passed by Parliament do not indicate the full impact of the legislation when the regulations come into effect. Many people outside Parliament who have supported legislation have found to their dismay that hidden problems in the regulation-making powers have given cause for concern. When this Bill reaches the Committee stage I suggest the regulation-making powers contained in it should be examined very closely, because they are far-reaching in their effect and, when taken in conjunction with the Builders Licensing Act, I believe they could lead to a complete escalation of building costs within South Australia, chaos within the industry and confusion among the members of the public. I support the second reading to allow the Bill to get into Committee.

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

ADJOURNMENT

At 4.21 p.m. the Council adjourned until Wednesday, March 10, at 2.15 p.m.