HOUSE OF ASSEMBLY

Tuesday, September 28, 1971

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

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

His Excellency the Lieutenant-Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

QUESTIONS

HALLETT COVE

Mr. HALL: In view of the great public discussion that has ensued since the announcement of development in the Hallett Cove area close to what is known as the amphitheatre, I ask the Deputy Premier, in the temporary absence of the Premier, whether he can say what measures the Government has taken to protect that area, which is of great geological value not only to South Australians but also to people in other parts of the world.

The Hon. J. D. CORCORAN: This matter has been discussed in Cabinet, and the Minister of Environment and Conservation, who is responsible for planning and development in this State, has been constantly in touch with the Director of Planning (Mr. Hart). Later this afternoon the Premier, the Minister of Environment and Conservation and I will confer with the Director, who now possesses plans submitted by the developers. Until these plans were available, it was extremely difficult for us to know just what the developers were proposing. The Government is most concerned about providing adequate protection for the amphitheatre, and it will see that it is protected, but it is difficult to tell the House of the likely future developments until the plan that has been submitted has been studied in detail.

HACKNEY BUS DEPOT

Mr. JENNINGS: Will the Minister of Roads and Transport be good enough to investigate the possibility of clearing the atmosphere (and I mean this literally) at the Hackney bus depot? Recently several bus drivers have told me that early in the morning, when many buses are starting up, the fumes are so great that conditions inside the building are almost intolerable.

The Hon. G. T. VIRGO: I shall be pleased to do that.

EMPIRE TIMES

Mr. MILLHOUSE: Can the Premier say whether the Government intends to take any action (and, if so, what action) concerning the circulation of obscene matter? Last week, on the motion to go into Committee of Supply on the Budget, I raised the matter of three publications in particular that were circulating or had been circulating, one at Flinders University and two at secondary schools.

Mr. Jennings: You're not too pleased about the *Advertiser* editorial?

Mr. MILLHOUSE: Since I raised the matter last week, there has been much discussion and publicity about it and I have received several letters, mainly but not entirely supporting the stand that I took. A notable exception was a letter from the Hon. R. R. Loveday. I think, which I received yesterday, but on the whole I have had support. Another exception was. as the member for Ross Smith has reminded me by interjection, an editorial in the *Advertiser.* I have received a letter from the Minister of Education to the effect that no further action is intended regarding the publications at schools that I mentioned. Today I have been handed a copy of the latest edition of *Empire Times,* which I understand appeared today. I have not had an opportunity to read it and it is mainly letterpress rather than illustration, but from a quick glance it seems to be of about the same standard as the last edition, although mainly, as I say, it is in print rather than illustration. For example, the centre spread article describes the experiences of various people in their first acts of intercourse, but the description is put more pithily and more obscenely than that. On the front page there are several what I suppose are supposed to be sideswipes at those who have commented on the preceding issue. When I raised this matter in the House last week, I referred to section 33 of the Police Offences Act and said that I wondered whether the section was sufficiently strong to cope with what was happening in the community. Therefore, I ask the Premier whether the Government has considered the matter and whether it intends to take any action by changing the law or whether it intends to take any other action about what I describe as an evil in our society.

The Hon. D. A. DUNSTAN: The Government sees no reason for changing the law on this matter, as the provisions of the Police Offences Act are sufficient to cope with the situation. The Attorney-General has

indicated the Government's attitude in relation to reports that are made to him by the Police Department concerning material that may offend against section 33 of the Police Offences Act. Concerning the school publication *Ikon,* to which the honourable member has referred, I do not believe any prosecution of that could succeed, as the mere use of a four-letter word in it would not, I presume, be thought by the honourable member to be obscene.

Mr. Millhouse: That was not the extent of my complaint.

The Hon. D. A. DUNSTAN: I should have thought that the honourable member, when he was Attorney-General, had made judgments whether the use of that word in public was obscene or not. I should think that the position must be clear to the honourable member. The Minister of Education has made perfectly clear what our position is regarding the circulation of material within schools, and I should have thought that the Government's position on this matter was quite clear to the honourable member.

NAILSWORTH BOYS TECHNICAL SCHOOL

Mr. WELLS: Will the Minister of Education obtain a report about his department's intentions concerning the work schedule of improvements to be constructed at the Nailsworth Boys Technical High School? Recently, when I had the privilege of opening the annual fete at this school, the headmaster, his staff, and members of the school council impressed on me their concern about delays in the work scheduled to be done at this school. They told me that they understood that the plans had been altered several times, thus causing the delay, and they were anxious that the work schedule would continue to be adhered to.

The Hon. HUGH HUDSON: I presume the work schedule refers to the proposition that the school should become a co-educational school and incorporate what is now the Nailsworth Girls Technical High School, which is situated in the grounds of the Nailsworth Primary School. I shall be pleased to consider this question, but I point out that in our building programme the first priority, of necessity, has to be given to projects that involve the provision of schools for the expanding number of children that we are having each year. Replacement projects, or projects such as that at Nailsworth, inevitably have to take their places in the queue, as our ability to finance them depends very much on the overall allocation of moneys that can be made. With that proviso in mind, I shall be pleased to consider this matter.

DIRECTOR-GENERAL OF TRANSPORT

The Hon. D. N. BROOKMAN: Was the Minister of Roads and Transport aware, when the Committee discussed the Estimates of Expenditure of his department last Wednesday evening or early Thursday morning, that Dr. Alston, the prospective Director-General of Transport, would not be taking up his appointment in South Australia?

The Hon. G. T. VIRGO: At that stage negotiations were proceeding but, as they were incomplete, I was not able to say anything further than I did say.

The Hon. D. N. BROOKMAN: Can the Minister of Roads and Transport say what was the time and date of the last communication received from Dr. Alston before the Minister made his announcement that Dr. Alston would not take up his appointment? Also, because of the apparent need for amendments to the South Australian Railways Commissioner's Act and the Highways Act in order to give powers to the Director-General of Transport, would it not be better for the legislation to be discussed by Parliament before the next appointment is made, so that we could avoid the embarrassment of appointing a person who had insufficient authority to do his job?

The Hon. G. T. VIRGO: I cannot give the honourable member detailed information concerning the time and date that he seeks.

The Hon. D. N. Brookman: Will you get it?

The Hon. G. T. VIRGO: I will try to get it if it is of such great moment. The second question is a different matter, as it concerns the amendment of various Acts. The Government intends to amend the relevant Acts this session and I hope at some stage to be able to explain fully to the House just exactly what the Government intends to do in this regard.

Mr. MILLHOUSE: Will the Minister of Roads and Transport say why he concealed from the Committee of the House on Thursday morning the fact that Dr. Alston would not be taking up his appointment as Director-General of Transportation?

The SPEAKER: Order! This question has been asked about twice. This is possibly a

slight variation in words, but the substance of the question has been asked on two occasions, and I rule it out of order.

Mr. MILLHOUSE: I take a point of order.

The SPEAKER: What is the point of order?

Mr. MILLHOUSE: My point of order is that in the paper on Friday, after the Minister made his announcement, I made a charge against him that he had deliberately concealed—

The SPEAKER: What is the point of order?

Mr. MILLHOUSE: My point of order is that the question has not been asked.

The SPEAKER: I am ruling that it has been asked.

Mr. MILLHOUSE: If you rule that way, Sir, I must move to disagree to your ruling. My question is: why did the Minister conceal that information from this House? I put to you with the utmost respect that that question has not been asked in the House this afternoon. Other questions about this matter have been asked, but that question has not been, and I therefore respectfully ask you to allow me to ask it of the Minister.

The SPEAKER: I have ruled the question out of order.

Mr. MILLHOUSE: I must therefore move to disagree to your ruling.

The SPEAKER: It is necessary to put it in writing.

Mr. MILLHOUSE: Very well.

The SPEAKER: The honourable member for Mitcham has handed in the following motion:

I move to disagree to your ruling that my question to the Minister of Roads and Transport "Why did the Minister conceal from this House the fact that Dr. Alston would not be taking up his appointment?" is out of order because it has already been asked.

Is the motion seconded?

The Hon. D. N. BROOKMAN: Yes, Sir.

Mr. MILLHOUSE (Mitcham): I desire to speak to the motion. The matter which I desired to raise by question and which you ruled out of order was a matter of very great interest and moment in the community. Early last Thursday morning, during the debate in Committee (when you were not present), I asked the Minister, amongst other things, when this officer would take up his duties.

The Hon. G. T. VIRGO: I rise on a point of order.

The SPEAKER: The honourable member for Mitcham must speak to his point of order, and that is dissent from my ruling. He cannot transgress from the motion to open up the debate that went on the other night or any other night in this Chamber. He must confine his remarks to the motion.

Mr. MILLHOUSE: Yes. Sir. On Thursday afternoon the Minister made an announcement with regard to Dr. Alston and said he was not coming here. On Friday—

The Hon. G. T. VIRGO: I rise on a point of order again, Mr. Speaker.

The SPEAKER: Order! The honourable member for Mitcham must stick to his motion for disagreement and say why he has moved to disagree to my ruling. Saying what the Minister of Roads and Transport has said is pointless.

Mr. MILLHOUSE: This afternoon in Question Time several questions were asked about this matter, and the member for Alexandra referred to the debate in Committee, to which I have just referred, and asked whether the Minister was aware that Dr. Alston was not coming to take up his appointment. The Minister gave some very vague reply.

The Hon. Hugh Hudson: That is not so. His reply was—

The SPEAKER: Order!

Mr. MILLHOUSE: I am speaking to the motion, not the Minister of Education.

The SPEAKER: Order! Will the honourable member put his point of order?

Mr. MILLHOUSE: You stop your mate talking, then. All the questions have been asked in an attempt to elicit information from the Minister about this matter, but my question was deliberately framed in that way so as to not cover the same ground but to give the Minister an opportunity to answer the charge which I had publicly made against him. I suggest with the utmost respect, as I did a few minutes ago, that that question is significantly different from the question about the facts of Dr. Alston's coming or not coming. My question is about the action of the Minister in concealing from members of this place on Thursday morning the facts, not about the facts themselves.

The SPEAKER: Order! The honourable member must give the reason why he is moving to disagree to my ruling.

Mr. MILLHOUSE: I presume you will speak in a moment. I am trying to move my

own motion now. I hope I can do it uninterrupted by you or other members.

The SPEAKER: I ask the honourable member to withdraw that statement immediately. Is the honourable member for Mitcham prepared to withdraw and apologize for saying that I am unnecessarily interrupting?

Mr. MILLHOUSE: I will withdraw it if you like, Sir. *Hansard* will show what has transpired.

The SPEAKER: Order!

Mr. MILLHOUSE: If you ask me to withdraw it, I do.

The SPEAKER: Order! The honourable member for Mitcham must withdraw it unequivocally.

Mr. MILLHOUSE: Yes, I do that: I withdraw it unequivocally. The question which I have put to the Minister about this matter is therefore not the same as the question which has been put by the honourable member for Alexandra, and perhaps by other members (I am not sure). The member for Alexandra has asked two questions about this matter. I suggest this is something on which members are entitled to to be informed by the Minister and, because this question is not the same as other questions which have been put this afternoon, you are wrong, if I may say it with respect, in ruling that the question is out of order because it has already been asked. Clearly it has not been asked.

The Hon. G. T. VIRGO (Minister of Roads and Transport): I think that, very briefly, I should just say something, or do you, Mr. Speaker—

The SPEAKER: The Minister is entitled to speak, but he must confine his remarks to the motion before the Chair.

The Hon. G. T. VIRGO: I merely desire to point out to the House, regarding the previous questions asked of me on this matter by the member for Alexandra, that I think, from memory, in reply to the first question I used words to the effect that I was not in a position to make the statement in the early hours of the morning, as I was at a later stage. The honourable member subsequently asked me a question about the hour of the day, which apparently is of some great moment in his mind, and I told him that I would get the information. That still stands and, of course, the reply I would have given to the member for Mitcham if he had been permitted to ask this question would have been virtually identical to the replies to the other questions. His question is exactly the same.

Mr. Millhouse: Why didn't you give it to me?

The SPEAKER: I stand by my ruling that the question is out of order, and I believe that my attitude has been substantiated by the statement made by the member for Mitcham when he was moving dissent from my ruling, namely that he wanted to give the Minister the opportunity to answer the charge that he had made the other evening. Under Standing Orders and in accordance with Parliamentary practice, questions are asked of Ministers on Government policy and matters concerning the public. I believe, and I am ruling accordingly, that this question, in substance, has already been asked and replied to adequately and as far as it is practicable to reply to the question, from what I have gathered from the Minister's remarks, and I have ruled the question out of order.

The Hon. D. N. BROOKMAN (Alexandra): I support the member for Mitcham in his motion to disagree to your ruling. He has shown quite clearly that the question he asked today was different from the question I had asked the Minister of Roads and Transport. This matter has been further confused by the Minister's statement. My question was whether the Minister was aware, when the debate was taking place on the Estimates of Expenditure, that Dr. Alston was not coming. The Minister has now given two replies to that, one that the matter was under discussion and the other just now that he was not in a position to make a statement. This matter belongs to the Government's darkroom category, and is another mystery to which I would like to know the answer. How is it that at 2.30 one morning the Minister does not know and yet—

The Hon. HUGH HUDSON (Minister of Education): On a point of order—

The SPEAKER: Order! The honourable member for Alexandra is trying to debate an issue other than disagreement to the Speaker's ruling. He must confine his remarks to that matter.

The Hon. D. N. BROOKMAN: I was merely making passing reference to a matter introduced by the Minister himself. I stand by the member for Mitcham in saying that his question was different. I say that his question was in order and that it should have been ruled to be so.

Dr. TONKIN (Bragg): I support the member for Mitcham in this matter. I am surprised that the Minister, in reply to one question, should say that he was speaking

according to his recollection, because usually the Minister of Roads and Transport knows exactly what he says and takes great pride in being able to quote it word for word. He has said just now in this debate that he was not in a position to release this information. I submit that the way the member for Mitcham has asked this question (namely, why does the Minister conceal?) means why was the Minister not in a position to release this information. I cannot see how this is the same question. It is a different point altogether. It is the point of why the Minister took this action of not giving the information to the House. It is an entirely different question and, whilst I would hesitate to say this normally, it could be misconstrued that you. Sir, were attempting to protect the Minister.

The SPEAKER: The question before the House is that the Speaker's ruling be disagreed to. Before putting the question, I think I should refer to page 355 of Erskine May and the matter of relevancy of questions. Example 27 refers to questions multiplied with slight variations on the same point.

Mr. MILLHOUSE (Mitcham): Do I have the right of reply?

The SPEAKER: The honourable member for Mitcham.

Mr. MILLHOUSE: I point out briefly that, in the interventions you have made during this debate, you have changed the ground for ruling my question out of order, and that of itself, I suggest, shows, or goes a long way to show, that the question as originally put was quite in order. Originally you ruled it out of order because, you said, it covered the ground that had been covered already. Now you are saying, when you quote from Erskine May, that it is irrelevant.

The SPEAKER: Order! The honourable member is not going to misquote what I say from the Chair and get away with it in *Hansard,* and I am going to ask him to withdraw the remark that I said it was irrelevant. I said it was inadmissible, and I also read my reasons from Erskine May at page 355.

Mr. MILLHOUSE: To say it is inadmissible, of course, with respect, is simply begging the question. The reasons why it is inadmissible are what I am referring to and, as I understand it, the ruling you have given now is that it was irrelevant. Anyway, I come back to the point that, despite what you have said and despite what the Minister has said in this debate. I am saying that the question is not the same as that which has been asked already, and I echo the point made by the member for Bragg that you were, I think, trying to protect the Minister in ruling as you did.

The House divided on the motion:

Ayes (18)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Nankivell, Rodda, Tonkin, Venning, and Wardle.

Noes (25)—Messrs. Broomhill and Brown, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Pair—Aye—Mrs. Steele. No—Mr. Burdon.

Majority of 7 for the Noes.

Motion thus negatived.

PORT STANVAC POLLUTION

Mr. HOPGOOD: Did the Minister of Marine see William Reschke's article in the *Sunday Mail* which alleged gross pollution caused by oil and oil extracts in the Port Stanvac area, and can he say whether those allegations are substantially correct?

The Hon. J. D. CORCORAN: I saw the article referred to and, although I generally respect articles written by Mr. Reschke, on this occasion I believe there was a slight exaggeration concerning the extent of pollution in this area. First, a photograph showed what appeared to be a pool of oil on the beach: in fact, this was water. There was certainly some debris in the form of timber, etc., but this had not emanated from the refinery: it was driftwood that had been brought in by the sea. I point out that this is a private beach which is fenced, as it should be, by the oil company. However, I believe that part of the fence had collapsed because of a faulty council drain. Marine and Harbors Department inspectors carry out a weekly check on the effectiveness of the pollution measures taken by the company concerned and, when the company was visited on Friday, September 24, everything was found to be in order. Further, I am told that the company maintains a high standard which, in fact, is in keeping with world standards. I believe that debris on the beach is destroyed by burning at least once a year when the season permits, and I understand that burning will take place this week. In fact,

having asked the Director of Marine and Harbors yesterday morning for a report on the matter, I promptly received a report in the afternoon, indicating that the company had invited the press to inspect its premises and surrounds at any time it wished but that so far this invitation had not been accepted.

INDUSTRIAL DISPUTES

Mr. COUMBE: Is the Minister of Labor and Industry aware that yet another industrial dispute has occurred in a large factory near Adelaide and that this dispute, if allowed to continue, could threaten power supplied to South Australia through our power stations? Will he say what action, if any, the Government intends to take to ensure that the supply of power to South Australian industry and to the public generally is and will remain available?

The Hon. D. H. McKEE: I am well aware of the matter raised by the honourable member involving a threatened stoppage in the mill in question. However, I understand that the employees concerned are covered by Commonwealth awards and that the appropriate Commonwealth arbitration tribunal will consider the matter on Thursday of this week, when it is hoped that the problem will be solved before the dispute spreads to the extent indicated in the press.

Mr. Coumbe: Is the Government taking any action?

The Hon. D. H. McKEE: Yes, through the Trades and Labor Council, it is trying to do everything possible. No more can be done in the matter than taking it to arbitration, and that is happening at present.

Mr. KENEALLY: Can the Premier say whether the activities of the Opposition have in any way created difficulties for the Government in its efforts to attract industry to South Australia? In an article in the *Advertiser* of September 25, Bruce Guerin states that South Australia is getting a reputation of having crippling strikes, slow business and declining industries. He continues:

South Australia is getting itself an undeserved reputation and getting it through rather loose, uninformed talk.

As I believe that the Opposition may be the political Party—

The SPEAKER: Order! The honourable member is not permitted to comment.

Mr. KENEALLY: As the Opposition is the guilty party in this connection—

The SPEAKER: Order! The honourable member may ask a question, but he may not comment.

Mr. KENEALLY: Very well, Sir; I will leave my question as it stands.

The Hon. D. A. DUNSTAN: I have heard people raise questions of this kind from talk they have heard from the Opposition. We are not finding it difficult to attract industries to South Australia, because in fact such industries do their homework properly. With regard to crippling strikes, the latest quarterly figures available showed that South Australia, with 9.1 per cent of the work force, had 2.3 per cent of time lost in Australia. There are no declining industries in any area: there is a steady industrial growth in South Australia. There is a steady stream of inquiries to the Industrial Development Branch. The Government has a constant call made on it for funds for the building of factories in South Australia to such an extent that I am a little embarrassed to provide sufficient funds for the development being sought under this programme by industrialists in South Australia. In these circumstances, although it is true that some news of the process of knocking South Australia gets through to other States, I do not think that industrialists are paying terribly much attention to it.

WHYALLA KINDERGARTENS

Mr. BROWN: Will the Minister of Works ascertain whether his department can make available about six previously used portable school units for use as kindergartens in my area? I am well aware that these units are in great demand, but a survey conducted in Whyalla shows that there is an immediate need for six more kindergartens for the pre-school training of children and, if portable units suitable for this type of training were made available, it would relieve the financial burden placed on kindergarten committees in the area.

The Hon. J. D. CORCORAN: I think that the move for kindergartens in Whyalla is no different from that in other towns throughout the State. There is a sad lack of pre-school education throughout the State and, although this is a subject on which I am not well versed, no doubt the Minister of Education would agree with my opinion. The problem of providing six portable or temporary classrooms for kindergarten purposes in Whyalla would not end there: if they were made available in Whyalla, there would be subsequent demands from other towns throughout the State. I can see the member for Stuart nodding his head, so Port Augusta must come into that category, as no

doubt would the districts of other members. I will examine this proposition, although I point out that there are difficulties inherent in the matter.

MILK DISPOSAL

Dr. EASTICK: Has the Minister of Works a reply to my question of September 21 about the disposal of milk into the sewers?

The Hon. J. D. CORCORAN: The honourable member may be assured that the discharge of milk into the sewerage system from the Royal Adelaide Show caused no detectable upset in the performance of the Bolivar sewage treatment works. The current normal loading on the Bolivar works is not yet up to its designed capacity and, in any case, the particular treatment processes were selected because of their ability to handle shock loads from industrial waste discharges. The request to dispose of the milk into the sewerage system over a period was a precaution against a possible minor upset at the works should the whole of the milk be disposed of at one time.

MOUNT GAMBIER HOSPITAL

Mr. CRIMES: On behalf of the member for Mount Gambier, who is unfortunately away sick, I ask the Attorney-General whether he now has a reply from the Chief Secretary to the honourable member's recent question about the Mount Gambier Hospital.

The Hon. L. J. KING: The Chief Secretary states that the work on the fourth floor has been almost completed. However, air-conditioning which has been installed revealed, on examination by Public Buildings Department officers, a severe vibration problem, and further work has been necessary in an attempt to solve this problem. The contractors for the air-conditioning plant are being pressed to complete this work as soon as possible, to the satisfaction of the department's inspectors. It is expected that the occupation of the fourth floor by female general patients at present accommodated on other floors of the hospital can be commenced within two to three weeks of the air-conditioning work being passed as satisfactory. The movement of the female general patients mentioned above will allow the first floor of the hospital to be used exclusively for geriatric patients, there being accommodation for 31 on this floor. It was previously thought that 33 patients could have been accommodated, but this has been reduced to 31 to provide space for a hydraulic bath on this floor for the use of the geriatric patients.

CORRESPONDENCE DELAYS

Mr. EVANS: Has the Premier a reply to my question of September 23 on the receipt and processing of correspondence within his department, particularly correspondence concerning billiard tables to be supplied by Mr. Brady?

The Hon. D. A. DUNSTAN: The honourable member is no doubt aware that the Government has no Budget provision for air-freighting Adelaide-based manufacturers' products overseas. There is no such form of industrial assistance and the Government could not undertake it because, if we air-freighted billiard cues, other manufacturers would ask us to air-freight their products to countries with which we are trying to develop trade relations, and this would be beyond the Government's resources. With regard to the complaint made by the honourable member, following receipt of the letter the Industrial Development Branch sought other avenues by which the company might be assisted with its request. These avenues could not be quickly assessed, as they were mainly associated with the movement of oversea personnel. Contact was made with the company immediately on receipt of the follow-up letter, but the company's export representative (Mrs. D. Byrne) is apparently a part-time employee and was not available. A request was made on several occasions to the company that Mrs. Byrne contact the Desk Officer in the Industrial Development Branch, which she failed to do. Contact was finally made with Mrs. Byrne on Friday, September 24. Since the company first evinced interest in Indonesia, Mrs. Byrne has contacted the branch on several occasions and, despite the routine nature of her inquiries, has always been given direct telephone contact with the Acting Director of Industrial Development, the senior officer in the branch. I find it incredible that on this occasion, if she was concerned about the progress of her inquiry, she did not choose to use this avenue made freely available to her previously. I point out also that it was the branch that made facilities available for the development of the potential market in Indonesia, and that the Brady company was put in touch with our agents in Indonesia, whose names are referred to in the letter. The Government, through the Industrial Development Branch, has assisted this company.

MERCURY CONTAMINATION

Dr. TONKIN: Will the Attorney-General ask the Chief Secretary what steps are taken to estimate the level of mercury contamination in food products on sale and produced in South Australia? Recently we heard of mercury contamination in oysters from Sydney. Also, the daily press reported that frozen swordfish from Taiwan had been found to be contaminated by mercury. As this is a fairly important aspect of this State's primary industry, I believe that it would reassure people in South Australia to know that there was no mercury pollution of fish caught here.

The Hon. L. J. KING: I will refer the question to my colleague.

STATE GOVERNOR

Mr. VENNING: Can the Premier say whether it is a fact that tomorrow he will be having lunch in a very important country town which was named by Edward John Eyre in 1839, which is called Crystal Brook and which is in the District of Rocky River? It is reported that the Premier will be the guest of the Broken Hill Associated Smelters Proprietary Limited sports picnic committee, which will be holding its usual most successful annual picnic at Crystal Brook tomorrow. Can the Premier say whether he intends, while on this visit, to seek out from the fine and distinguished people he will meet at Crystal Brook tomorrow a prospective successor to the late Governor?

The SPEAKER: As this question is of a personal nature, I should not really permit it. However, if the Premier wishes to reply he may do so.

The Hon. D. A. DUNSTAN: True, I will visit tomorrow the very fine town of Crystal Brook where I will be having lunch at the B.H.A.S. picnic together with a large group of loyal supporters of the Government who will be there. On the other hand, I confess that I must disappoint the honourable member about the latter part of his question.

EUCALYPTS

Mr. RODDA: Has the Minister of Environment and Conservation had his attention drawn to the damage caused by cattle to eucalypts in grazing areas of the State? With the increase in the number of cattle, it has become noticeable in certain parts of my district and in other areas that cattle are ring-barking eucalypts. I understand that when this problem was encountered in Western Australia a repellent was used to deal with it. It may be thought that a lack of something in the diet of the animals is the reason why they are attacking the trees. As the matter is causing much concern, I ask the Minister to consider it from the point of view of the health of the animals and to see whether corrective action can be taken.

The Hon. G. R. BROOMHILL: I am aware of the problem, as some people from the South-East have directed my attention to it. Only this morning I was preparing a reply to people in the area based on a report from the Minister of Agriculture. It appears that investigations by the department have established that, contrary to what is being suggested by residents of the South-East, there does not appear to be any lack of minerals in the diet of animals in the area. The reason why the animals eat the bark of the tree is not fully understood. This problem has arisen on a wide front, causing much concern in the area. I shall be pleased to give the honourable member a copy of the report.

UNIONISM

Mr. GUNN: Can the Minister of Labour and Industry say why the Government is forcing industrial contractors to contravene the Industrial Code of this State by forcing them to employ union labour? One of my constituents, who is a private contractor carrying out work for various Government departments, recently had attached to one of the specifications that he received from the Public Buildings Department an instruction, part of which states:

> In engaging labour, preference of employment shall be given to financial members of an appropriate union.

The instruction goes on to explain other details, but my constituent is concerned, because he employs casual labour on a merit basis, not on a union-membership basis.

The Hon. D. H. McKEE: I think the honourable member omitted to read all of the document that he has and, to help him, I will read it. It states:

> In engaging labour, preference of employment shall be given to financial members of a union appropriate to the position, provided that the contractor shall not be compelled to give preference to any member of such a union who may have been discharged for dishonesty, misconduct or neglect. In the event of no financial members of any union appropriate to the position of employment being adequately experienced in and competent to perform the position of employment, employment may be given to an unfinancial member or person being a non-member of a union.

I do not think any further explanation is needed. After all, the matter is Government policy.

SWIMMING CLASSES

Mr. BECKER: Has the Minister of Education a reply to my question of last Thursday regarding swimming classes?

The Hon. HUGH HUDSON: Term-time swimming was planned to commence on Monday, October 4, in the following heated pools: Urry's pool; Marion pool, Clovercrest pool; Parade pool, Norwood; and Openshaw's pool. Because of the heavy demand for Urry's, Clovercrest and Marion pools, plans were made to begin classes three weeks earlier (that is, on September 13) at those pools only. The date mentioned in the honourable member's question, namely, Monday, August 13, must have been mentioned in error, because no swimming was planned for the second school term, and, in any case, August 13 was a Friday, not a Monday. Because of the need to revise estimates of expenditure in this area, the Director-General decided to revert to the original date of October 4 as a starting point for term-time swimming, and classes will begin on that date.

Mr. MILLHOUSE: Will the Minister say whether swimming instruction in schools is to be curtailed this season, and, if it is to be curtailed, will he say why? This morning a teacher gave me certain information regarding the beginning of the swimming instruction classes for this season. I understand that this instruction is part of the physical education in schools, both during term time and during the learn-to-swim campaign in January, and that normally the instruction is given in school pools where they are available and in other pools, such as the ones to which the Minister referred when replying to my colleague, in the case of schools without pools. I have been told that last season 260 instructors from outside the department were employed in giving this instruction and that the rate of remuneration of the instructors was $2.27 an hour. This year the rate has increased to $2.67 an hour, and it was only yesterday that news of the Minister's authorization of this payment was received, certainly by the teacher who has spoken to me. My information is that the Minister had been sitting on this matter for several weeks and that this had caused the delay.

The SPEAKER: Order! The honourable member is commenting, not explaining his question.

Mr. MILLHOUSE: I understand that this year more children than previously will be seeking this instruction. Last year the figure was 69,000 and it is expected that this year 80,000 children will seek instruction in swimming, and also in water safety (upon which there is now emphasis). However, I understand that the Minister or his department has laid down that only half the number of outside instructors employed last year are to be employed in the campaign this year, and I take it that that links with the delay and the part of the Minister's reply in which he said that, because of the need to revise the Estimates of Expenditure in this area, the starting date had been delayed. Therefore, I ask the Minister whether swimming instruction in schools will be curtailed because of his decisions.

The Hon. HUGH HUDSON: The reply to the question is "No". I must say that I am surprised at the extent to which people are prepared to peddle straight-out lies and mis-information to members opposite.

Mr. Becker: You're in trouble now!

The Hon. HUGH HUDSON: The honourable member would not know what he is talking about: he believes any garbage that anyone tells him no matter what, and no matter whether or not it has a foundation in truth. Originally, we had hoped that with the use of heated pools we might be able to start earlier, but this has not proved to be possible. Consequently, we have reverted to the original date of October 4 in those cases. An instruction issued to schools in July this year, relating to the organization of swimming classes in schools that did not have their own pools but had to use some outside facility of a non-heated variety, stated that swimming classes in those schools would commence on November 1. That position remains today: classes will commence in those cases on November 1. For schools having their own pools, I am not exactly sure what arrangements have been made. The only thing that I can say is that classes will be started at about the same time this year as they were started last year and, in fact, there has been no curtailment, so that the honourable member's informant simply did not know what he was talking about.

One other matter of some concern relates to outside instructors. I think the honourable member, and even the member for Hanson, may be aware that courses in teachers colleges are available to train teachers as swimming instructors. Clearly, to the extent that we have our own teachers trained in this aspect, we would wish them to carry out

these duties, rather than employ outside instructors. I think that even the honourable member would support the proposition that the Government should not spend money without cause, and that outside instructors should be employed only where the department, from its own resources, cannot provide the necessary competent people. That is the position in relation to this matter, and the suggestion that something has been sitting on my desk for some weeks waiting for a decision is a lot of garbage.

Mr. Becker: Ha, ha!

The Hon. HUGH HUDSON: I object to the horse laugh of the member for Hanson. The information he has been given in relation to this matter is an outright lie, and I throw it directly back to the honourable member. If he repeats the information again he is peddling lies: he can take that in any way he wishes, but that is the truth of the matter.

The SPEAKER: Order!

The Hon. HUGH HUDSON: The information that he has been given is incorrect. If the honourable member does not want to believe any of my statements on this matter, I will know how to deal with him: that is, simply not to trust him in any way whatsoever in relation to any matter whatsoever, because he will not accept statements that have been honestly made.

Members interjecting:

The Hon. D. N. Brookman: Do you—

The Hon. HUGH HUDSON: The member for Alexandra is in the same category if he wants it that way.

The SPEAKER: Order!

Mr. Coumbe: Is that a threat or a promise?

The SPEAKER: Order! I ask the Minister of Education to refrain from becoming personal when replying to questions. This is not good for the conduct of the Chamber. Also, I ask members of the Opposition to refrain from interjecting when Ministers are on their feet, because that, in itself, leads to bad conduct. I expect the co-operation of members on both sides in order to maintain the dignity of this House. The honourable Minister of Education.

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Speaker. I object strongly to members opposite, when a statement has been made in good faith—

Mr. Millhouse: What's the point of order?

The SPEAKER: Order!

The Hon. HUGH HUDSON: Are you, Mr. Speaker, in charge of the House, or is the member for Mitcham?

The SPEAKER: The member for Mitcham is out of order.

The Hon. HUGH HUDSON: My point of order is that I object strongly to statements by Opposition members suggesting that a statement made by me in good faith is not correct. I was replying to and resenting that imputation, and I insist on my right in one way or another to throw back that sort of imputation in the teeth of Opposition members.

Mr. Millhouse: What's the point of order?

The SPEAKER: Order!

The Hon. HUGH HUDSON: My point of order—

The SPEAKER: Order! I am not going to be continually rising to my feet and calling members to order. The member for Mitcham must observe the rulings of the Chair, otherwise I will name him. I want to see the business of this Chamber conducted with dignity. I call on the Minister of Education to reply, and I will correct him when it is necessary.

The Hon. HUGH HUDSON: My point of order is that I have every right to reply to the imputations of dishonesty that are being made by members opposite either by interjection or in some other way.

Mr. McAnaney: We didn't—

The SPEAKER: Order! The member for Heysen is not in his seat and is entirely out of order in interjecting.

The Hon. HUGH HUDSON: I have said what I was trying to do. The points I wish to establish in relation to this matter are that, first, there has been no basic change in swimming classes; secondly, concerning the employment of outside instructors, I am sure that Opposition members would support the department's general proposition that, as we have over a period more swimming instructors trained amongst the teachers, we should use those people at swimming classes. That is the present position, and any other decision of mine would be a waste of money and would involve completely unnecessary Government expenditure. The purpose of the whole exercise is to ensure an adequate swimming instruction programme for schools, and that will be carried out.

Mr. MILLHOUSE: I rise on a point of order, Mr. Speaker. I understand that when a member takes a point of order, it is necessary

for you to rule on it. The Minister of Education said that he took a point of order and I twice interjected and said, "What's your point of order?" and you reproved me for doing that, but he persisted in saying that he was taking a point of order. I now ask you, Mr. Speaker, to rule on the point of order he said he had been taking.

The SPEAKER: I did not consider that there was a point of order.

Mr. MILLHOUSE: Can the Minister say whether it is intended this session to halve the number of instructors from outside the department who have taken part in the swimming campaign? When I asked this question by way of interjection during the Minister's reply, he ignored it or it got lost when you, Mr. Speaker, intruded.

The Hon. HUGH HUDSON: As is the case with answers to so many of the honourable member's questions, the answer is "No". The only position that has been taken on this matter is simply that, where teachers who are properly trained for this work are available within the schools, they, rather than outside instructors, are employed to do it. An instruction such as that suggested by the honourable member is the figment of either his or someone else's imagination, but it is certainly a figment.

MAIN NORTH ROAD

Mr. COUMBE: Will the Minister of Roads and Transport obtain a report on the work of widening the Main North Road, especially the section between Fitzroy Terrace and Regency Road? Is he aware that at certain times of the day this is one of the busiest roads in South Australia, as it carries most of the traffic coming from the North of the State? Further, in view of the relief that was originally to be provided in respect of this road through constructing freeways, will the Minister ascertain what is his department's programme regarding the widening of this road and over how many years the programme will extend?

The Hon. G. T. VIRGO: I will get a report on the expected progress of the work.

ABORTION

Dr. TONKIN: Has the Attorney-General obtained from the Chief Secretary a reply to the question I recently asked about abortions?

The Hon. L. J. KING: The Chief Secretary reports as follows:

WAITING LISTS FOR ELECTIVE GYNAECOLOGICAL OPERATIONS

Hospital	August 30, 1971	August 30, 1970
Royal Adelaide	93	174
The Queen Elizabeth	45	20

Patients on the elective waiting lists for surgery are classified into three categories; urgent, early, or non-urgent. Patients on the waiting lists for abortions are given the priority "urgent" and are invariably admitted within one or two weeks of being placed on the waiting list. The need to deal with abortion cases as soon as possible after assessment requires that they receive priority over other gynaecological cases, unless such other cases are also classified as urgent.

Mr. MILLHOUSE: Can the Premier say what considerations have moved the Government to decide that reports by the Advisory Committee on Abortion shall not be released? Last weekend I took part in a seminar, in Canberra, on the subject of abortion law reform and, for the purposes of that participation, I prepared a paper. During the course of preparation I was anxious to have the report of the five medical practitioners set up by the former Government before it went out of office, and I remembered that there had been newspaper reports of the report. I therefore went to the Parliamentary Library and asked whether I could have a copy of the report, but was told that it was not available. I was further told by the Parliamentary Librarian that, at my suggestion, he had been in touch with the Chief Secretary's office, had asked whether a copy of the report could be made available to the library, and had been told that it would be released only on the Chief Secretary's personal word and that the Chief Secretary was away. Therefore, by letter dated September 16, I wrote to the Chief Secretary explaining why I wanted the report and pointing out that extracts from it had appeared in the *Advertiser* of May 4, and I asked whether a copy could be released to me. I also mentioned the date by which I had to have the copy if it were to be of any use to me, and that was last weekend. I received no reply to my letter before the weekend, but yesterday a letter from the Chief Secretary was delivered to the House in which he says, *inter alia:*

I regret that the Government has decided that reports from the Advisory Committee on Abortion will not be released. I have included herewith a copy of a press release setting out the statistics on abortion.

I already had these statistics, because they were available in the Parliamentary Library.

However, an article in the *Advertiser* of May 4 states:

The report of the Chairman (Sir Leonard Mallen) to the Minister of Health (Mr. Shard) was made public yesterday.

That refers to the same report as the one for which I had asked. I do not know why I was not allowed to have a copy of the report, because it had been made public and published in the paper. I cannot think why the Government has decided on a policy—

The SPEAKER: Order! The honourable member is commenting now. The honourable the Premier.

The Hon. D. A. DUNSTAN: From memory, the reason for not publishing the whole of the report was that some material in it referred to certain patients and doctors. In these circumstances, it was deemed that it would not be proper to release what was confidential information that should remain confidential. However, I will obtain a full report on this matter for the honourable member. I do not think there has been any inconsistency in the release of reports, but I will obtain a report from the Chief Secretary.

PAY-ROLL TAX

Mr. GUNN: Can the Premier say whether district councils have to pay pay-roll tax on electricity undertakings that they operate?

The Hon. D. A. DUNSTAN: They would have to pay the tax if it were a business Undertaking.

CHERRY GARDENS SCHOOL

Mr. EVANS: Can the Minister of Works say whether it is true that the partly-built toilet block at the old Cherry Gardens school was designed for the Challa Gardens school or some other school and whether, in fact, construction of this block commenced on the wrong site? If that is the case, can he say what moneys were spent before work ceased? In July, 1970, I asked the Minister of Education whether at that time the department was considering building a new school in the area to replace the Cherry Gardens and Iron Bank schools. At that time, work was being carried out at the Cherry Gardens school. On August 11, at page 598 of *Hansard* (about 12 days later), the Minister replied:

The future of these schools is being considered and a decision concerning their future will be made shortly. Any work on the up-grading of Cherry Gardens Primary School has been stopped until a final decision is reached, but as soon as I am able I will give the honourable member further details.

It has been brought to my notice by a person who believes his information to be accurate that, in fact, there was a mix-up in names and that the toilet block was started at the Cherry Gardens school instead of at the Challa Gardens Primary School. If this is the case, a serious mistake has been made and a waste of public money has occurred.

The Hon. J. D. CORCORAN: I shall be happy to examine the matter but, from the dates referred to, it seems that any authority given to commence the work in question could have been given under the previous Government.

MARTINS CORNER

Mr. CURREN: Will the Minister of Roads and Transport obtain a report on the fatal accident that occurred at Martins corner on the road between Kingston-on-Murray and Moorook on Monday of last week? The final paragraph of a report appearing in the *Murray Pioneer* last Thursday (September 22), giving details of this accident, states:

The bend where the accident occurred has been the scene of at least one fatal accident and a number of other serious accidents in recent years. It is believed that moves to have the corner improved have been resisted by the authorities.

Will the Minister ascertain whether that statement is correct?

The Hon. G. T. VIRGO: The honourable member having been good enough to give me a clipping of the newspaper report, I draw attention to the paragraph that states:

Senior Constable W. Jones, of the Barmera police, is preparing a report for the Coroner.

Because of the possibility of a coronial inquiry, I may not be able to obtain some of the information that the honourable member seeks, but I will ascertain what information I can, especially concerning any resistance to having the corner improved. I think I should refer to another part of the press report that I think is extremely important: while I do not wish to draw any conclusions, I think the relevant statement is worth considering. Referring to the lady who regrettably was killed, the report states:

It is believed she was thrown out of the vehicle and was then pinned underneath it when it came to rest.

It seems to me that much good can be done through the wearing of seat belts and, in fact, I have only today asked various representatives

of the mass media to publicize wherever possible, or where the information is available, details of accidents in which apparently seat belts were not being used and in which a seat belt, if used, could well have saved a life. Although I cannot say so (no-one ever can), the case referred to by the honourable member may be one such case. In a case where a person is thrown from a vehicle, we find the value of seat belts.

WRIGHT ROAD

Mrs. BYRNE: Will the Minister of Roads and Transport ascertain whether the Highways Department has provided any funds (and, if so, on what conditions, if any) for the reconstruction and widening of a section of Wright Road between the North-East and Kelly Roads, Modbury, on to which road the Modbury West Primary School faces? Also, will the Minister ascertain whether it is expected that the department will provide funds to construct a roundabout at the intersection of Kelly and Wright Roads, Modbury?

The Hon. G. T. VIRGO: I will obtain a report for the honourable member.

SCHOOL BOOKS

Mr. COUMBE: Will the Minister of Education say what steps he has taken to see that in the 1972 school year there will be no undue delay in the issue of school books to the various schools, which has occurred on occasions in the past? I point out that this question has no relationship to the question asked last week regarding American deliveries.

The Hon. HUGH HUDSON: Secondary school book orders will be placed earlier this year than in past years. The new book scheme, once established, will obviate most of this problem automatically, because the schools will have a stock of books at any one time that will be available to students on a loan basis. This position already applies in the primary schools as a consequence of the free book scheme. The honourable member will be aware that in recent years there has been no difficulty in the provision of the necessary text books in primary schools, except that, when the syllabus is changed, there may be a difficulty over the supply of books ordered. Regarding departmental policy, the main precaution we take is to try to order the books as early as possible prior to their being needed for the following year. It always seems to be the position, however, that occasionally there is a delay in the provision of a book, or that someone has forgotten to put in an order and has put it in later in the year, or there may be a delay because of some other unforeseen circumstances. Unless a fully centralized system of ordering were adopted, it would not be possible to gain full control over the situation. At this stage, it is appropriate to continue with the existing system of ordering books for secondary schools. We rely on individual schools to place orders sufficiently early to ensure their supply in time to meet the demand in the following school year. Even then, as the honourable member will appreciate, unforeseen difficulties occasionally arise.

PORT PIRIE BLOOD BANK

Mr. VENNING: Has the Attorney-General a reply to my question of August 17 about establishing a blood bank at Port Pirie?

The Hon. L. J. KING: The Chief Secretary reports that the Director of the Australian Red Cross Blood Transfusion Service has supplied the following information on why a Blood Transfusion Service has not been established at Port Pirie:

The laboratory at Port Pirie is a Commonwealth Health Department laboratory and performs its work, as do all similar laboratories, without fee. There is no resident pathologist at Port Pirie, nor has there been in the past decade, at least. The laboratory is in charge of a technician-in-charge who is experienced in transfusion technology as far as compatability testing is concerned but who is not experienced in the collection of blood from donors for transfusion purposes. A country hospital panel exists in Port Pirie, the strength of which at present is 142 donors. The records for this particular panel are held by the technician-in-charge of the Commonwealth Health Department laboratory. Donors are called on an "as required" basis, and no attempt is made to bleed these donors routinely or to store blood on a routine basis. However, the Red Cross Transfusion Service would be more than happy to receive a request from an appropriate medical authority, either a group of local practitioners or the local medical society, to undertake the establishing of a regional blood bank.

HOUSING TRUST FIRES

Mr. BECKER: At page 243, the Auditor-General's Report for 1970-71 states:

Of the total number of houses and flats completed by the trust to June 30, 1971 (67,757), 33,422 were for rental purposes, 34,180 have been sold, 150 were unsold and five were destroyed by fire after completion.

Will the Premier ask the Housing Trust how the five houses were destroyed by fire?

The Hon. D. A. DUNSTAN: The houses said to be destroyed by fire were, I think, destroyed by fire. I will get a report on the cause of the fires.

SPEED LIMITS

Mr. WARDLE: Has the Minister of Roads and Transport a reply to my recent question about speed limits on the road bridge at Murray Bridge?

The Hon. G. T. VIRGO: The road bridge over the Murray River at Murray Bridge is of an unusual design in that the "through" trusses are principally above the pavement level and are therefore susceptible to damage. Collision of a heavy vehicle with these trusses could jeopardize the safety of the bridge. Following a number of accidents on the bridge about two years ago, the Commissioner of Highways imposed a speed limit of 25 m.p.h. in the interests of safety. The narrow, curved bridge is used extensively by buses and other large commercial vehicles, and this restriction has reduced the possibility of "side-swipe" accidents forcing vehicles into the side of the "through" trusses. Should such an accident occur, the severity would also be reduced by the reduced speed of the vehicle. I consider it impracticable to apply different speed limits to different classes of vehicle on this narrow, two-lane bridge. This would tend to encourage overtaking and result in an increased accident potential.

SCHOOL SWITCHBOARDS

Mr. EVANS: Has the Minister of Works a reply to my recent question about switchboard rooms in schools?

The Hon. J. D. CORCORAN: It is generally considered that modern switchboards operating within designed capacity are unlikely to be a potential fire hazard and therefore would not warrant separate housing. The main switchboard constitutes only a component of an electrical installation and the remainder of the installation, such as submains, distribution switchboards, subcircuit cabling and fittings, where faults are equally likely to occur, would still remain an integral part of the building. The cost of housing the main switchboard in a separate building is estimated to be between $1,500 and $5,000 a school and would present an architectural problem with regard to siting.

VENEREAL DISEASE

Dr. TONKIN: Has the Attorney-General a reply from the Chief Secretary to my recent question about venereal disease?

The Hon. L. J. KING: My colleague states:

Information on the age groupings of persons attending the venereal disease clinics at the Royal Adelaide Hospital is available only from July 1, 1961, and details to August 31, 1971, are as follows:

Age Group	Male	Female	Total
10-14	—	7	7
15-19	22	38	60
20-24	33	24	57
25-29	21	8	29
30 and over	18	6	24
	94	83	177

During this period the following cases of gonorrhoea and syphilis were notified from these clinics:

	Male	Female	Total
Gonorrhoea	26	12	38
Syphilis.....	1	2	3

Statistics indicate that the attendances at the clinics are at about the same rate a clinic as previously. At this stage no clear conclusions can be drawn about the quantitative effects of the extended clinics, but the matter will be kept under close scrutiny to ascertain whether any alteration is needed in the number of clinics.

BUILDERS LICENSING

Mr. GUNN: Is the Premier willing to correct what appears to be an incorrect statement he made in attacking an article in the journal of the Housing Industry Association? The article was headed "Licensing of subcontractors will ravage South Australia's housing industry".

The Hon. Hugh Hudson: Is this question a Dorothy Dixer?

The SPEAKER: Order!

Mr. GUNN: An article in last Saturday's *Advertiser* states:

The Premier (Mr. Dunstan) was attacked yesterday for claiming that an article in the official journal of the Australian Housing Industry Association had contained "deliberate untruths". The State President of the association (Mr. F. Wilkinson) said: "The attack by the Premier was unwarranted and consisted of hair-splitting on technical points."

The Hon. D. A. DUNSTAN: Mr. Wilkinson can call the blatant lies for which his association was responsible "hair-splitting" if he likes. The facts speak for themselves. I suggest that the honourable member read my speech if he was not here to listen to it.

KAPUNDA ROAD

Dr. EASTICK: Will the Minister of Roads and Transport obtain a further report on the effectiveness of the safety devices at the intersection of the Gawler-Kapunda and Daveyston-Freeling roads? In reply to a question I asked on December 1, 1970, as reported at page 3208 of *Hansard,* the Minister said:

Standard warning signs only have been erected at this intersection and the police have stated that no serious difficulties appear to be experienced by motorists. No doubt conditions will further improve as local motorists become

aware of the new road, but the intersection will be kept under observation to determine whether further protection is necessary.

Since that time safety bars have been provided at the intersection, and recently large signs indicating the nature of the roads that meet there were erected on the four major approaches. Nevertheless, two young girls were killed there last Sunday. That was one of the two accidents that occurred at the intersection last week. The Minister said that conditions would improve as local motorists became aware of the new road, but I point out that the intersection is used by an ever-increasing number of motorists from other States, because the new highway via Kapunda to Morgan and Renmark has taken much of the traffic that otherwise would use the Sturt Highway.

The Hon. G. T. VIRGO: I shall have the matter further examined and bring down more information for the honourable member.

LOXTON OFFICES

Mr. NANKIVELL: Has the Minister of Works a reply to the question I asked some time ago about improving the surroundings of the Government offices at Loxton?

The Hon. J. D. CORCORAN: Although the honourable member may have asked the question some time ago, he has not been here for some time to ask for a reply. Lawns were originally established around the Government offices at Loxton, but they were removed when it was found that structural damage was occurring as a result of the regular watering of the lawns. Action has been taken to have the existing planting boxes filled with soil and planted with shrubs. The Manager of the Agriculture Department's research centre at Loxton will advise the district building officer of the Public Buildings Department on suitable shrubs, and he will make suggestions on landscaping of the general area.

PARLIAMENTARY PROCEDURES

Mr. MILLHOUSE: Mr. Speaker, do you intend to call together the Standing Orders Committee soon and, if you do, when do you intend to call it together? The question of reviewing the procedures of this House and the need to bring them up to date was canvassed by me, I think during the Address in Reply debate. Subsequently, you said that those matters were being considered by the Standing Orders Committee and that you intended to call it together again. To the best of my recollection, that has not been done since you made that statement in reply to an earlier question. Since then you have attempted to make members put points of order in writing. We had the exhibition last Thursday of the Minister of Roads and Transport—

The SPEAKER: Order! The honourable member is commenting now.

Mr. MILLHOUSE: Last evening I was at a dinner with the Premier, who also expressed the opinion that there was a need to up-date the procedures of this House. In view of the decline in the conduct of the House generally, the matter is becoming urgent—

The SPEAKER: Order! The honourable member is commenting.

Mr. MILLHOUSE: —and I therefore ask the question.

The SPEAKER: The honourable member is aware that there have been several meetings of the Standing Orders Committee, some progress having been made. Further meetings will be called as soon as it is possible to get people together at a time that suits everyone. Sometimes we have difficulty in finding a time that suits all members of the committee; that is always the difficulty in trying to arrange these meetings. However, I will undertake to try to have a meeting convened as soon as possible. Matters other than that raised by the honourable member have to be considered as well.

WALKERVILLE LAND

Mr. COUMBE: Will the Minister of Roads and Transport review the subsidy that the Highways Department intends to pay under the Public Parks Act to the Walkerville council for acquisition of land along the Torrens River adjacent to Levi Park? I believe that the Minister knows that over several years I have advocated informal improvements along the banks of the Torrens River that can be enjoyed by many people. The Walkerville council has played a significant part in that type of development. Recently, it acquired land from a private owner, the sum involved being about $12,000. The subsidy offered under the Act by the department was $3,175. The valuer of the owner and the valuer of the council have placed on the land a valuation much higher than the sum to which I have referred, which is the basis of the Land Board's valuation. Will the Minister sympathetically consider reviewing the sum intended to be paid to the council with a view to increasing it? Although the land involved will not add to the beauty of the river at present, it is important with regard to future development.

The Hon. G. T. VIRGO: From what the honourable member has said, it appears that there has been a gross discrepancy between the Land Board's valuation and the price paid.

Mr. Coumbe: I referred to the sum paid by the council.

The Hon. G. T. VIRGO: Yes. The Government's policy in this respect (and it is identical to the policy followed over several years by previous Governments) is to pay 50 per cent of the Land Board's valuation. I would not be keen to depart from that rather strict policy by making a special case of one area, because I would then find it extremely difficult to justify my attitude in respect of other areas. I think I must say that the Government's policy of sticking to 50 per cent of the Land Board's valuation could not be subject to review. However, I think that perhaps the other side of this coin is the honourable member's suggestion that the Land Board's valuation may not necessarily be realistic. I am certainly prepared to ask the Land Board to look at its valuation of this land. If it believes that a mistake has been made and it rectifies that, the policy of paying 50 per cent of that valuation would be applied normally to the additional sum.

The Hon. Hugh Hudson: It could adjust the value downwards.

The Hon. G. T. VIRGO: Yes, and then we would have to get a few bob back from the Walkerville council; I do not know how successful we would be in that. The first thing to do is to ask the Land Board to have a further look at the valuation placed on the land, and we can proceed from there.

CONSTRUCTION SAFETY

Mr. EVANS: Can the Minister of Roads and Transport say whether the Highways Department construction gang working on the South-Eastern Freeway has a vehicle equipped with two-way radio and first-aid equipment readily available to attend the scene of any accident involving members of that construction gang while they are at work? This question does not relate to the accident that occurred last week at the railway junction, as that took place on a public road and away from the actual construction. However, as a result of that accident, someone approached me saying that he was concerned that, in the event of an accident occurring on the section where the present work is taking place, there is some distance to any of the community hospitals in the area, namely, the Mount Barker, Woodside and Stirling hospitals.

The SPEAKER: Order! There is too much audible conversation. It is not possible to hear.

Mr. EVANS: In the case of any workmen being injured in that work, it would be an advantage to have a vehicle, perhaps a panel-van, into which a stretcher could be placed. I raise this matter so that this aspect of the safety of workmen in the area may be investigated.

The Hon. G. T. VIRGO: I cannot give the honourable member the information he seeks. I thank him for the question, which I think is one of the most constructive questions I have heard in the House for a long time. I shall be delighted to look into the matter and, if there are any deficiencies, to see that they are dealt with.

KINGOONYA SCHOOL

Mr. GUNN: Can the Minister of Education say whether video tape machines can be installed at the Kingoonya school, which I understand has requested them?

The Hon. HUGH HUDSON: The policy we have followed is to supply video tape machines to all schools outside television range so long as they have electricity and can use them. I imagine that this does not apply in the case of Kingoonya. Although I think I have received a letter about this, I am not sure. If the matter is not being investigated at present, I will see that it is investigated, and I will bring down a reply to the honourable member.

MINISTERIAL STATEMENT: BUILDING INSPECTOR

The Hon. D. A. DUNSTAN (Premier and Treasurer): I ask leave to make a statement.

Leave granted.

The Hon. D. A. DUNSTAN: Last week the member for Mitcham called in question the activities of a building inspector whom he named. I notified the honourable member today that I had a reply for him, but he has not asked about the matter.

Mr. Millhouse: I did not have the chance.

The Hon. D. A. DUNSTAN: I think the honourable member has had plenty of chances, and it is important that this matter be dealt with. In regard to the specific case mentioned by the honourable member the houses concerned are being constructed as a speculation by the builder, and there is therefore no

owner at present to police the standard of construction, and many faults may be covered up by the time the houses are presented for sale to the unsuspecting public. This is therefore the very field in which the worst practices occur.

Inspector Dunstone was so concerned at the standard of construction of these "spec." houses on his first visit that he realized the importance of a second opinion as evidence in the event of subsequent formal inquiry by the board to cancel or suspend the builder's licence. He therefore arranged for Inspector Street to accompany him to the site to discuss remedial action by the builder. Inspector Street concurred with Inspector Dunstone's assessment. The member for Mitcham said that the builder had complained, first, that Inspector Dunstone told a tradesman his work was not up to standard and it must be improved, and secondly, that Mr. Dunstone voiced his own opinion, which was contrary to the views of the builder. I do not see how any inspector in any sphere can operate if he does not voice his opinion. The board has great confidence in the tact and diplomacy of Inspector Dunstone, who states that he did not have an argument with the builder but merely stated his views and said that a report would be submitted to the board. Fifteen matters, some extremely serious from a structural viewpoint, were listed. Some of these things are as follows:

(1) 4 x 2 jarrah floor joists spanning a greater distance than 6ft., contrary to the provisions of the Building Act.
(2) Ends of floor joists supported on the salient end of 3 x 1 jarrah plates.
(3) Double floor joists under internal frame walls not projecting sufficiently far enough for the fixing of flooring.
(4) Surplus soil inside building in contact with underside of floor joists, contrary to the provisions of the Building Act.
(5) No provision for cove around solid floors in wet areas.
(6) Joists fixed haphazardly and not parallel to walls.
(7) Minimum cavity between brickwork and timber stud walls not constant. Surplus mortar in contact with studs.
(8) Intersection of stud-framed walls not provided with triple studs.
(9) Heads of all windows 6ft. 9in. from finished floor level instead of 7ft. minimum as provided in the building Act.

Other matters are listed. In fact, I have had the faults illustrated, and I will table a series of photographs showing the building practices of this particular builder. This is an extremely bad case. In relation to this matter, complaints have been made by the building surveyor of the Tea Tree Gully council, as well as the reports of the inspectors concerned. Every reason exists for the building inspector to take this action for the protection of the public, because otherwise this house could have been completed and every one of these grave defects would have been concealed from a possible buyer of this house.

CONTINGENT LIABILITIES

Dr. EASTICK (on notice): In the preparation of the State Budget for each of the last 10 fiscal years, what sum has been debited to contingent liabilities, before determining the balance?

The Hon. D. A. DUNSTAN: The Consolidated Revenue Account, which is commonly described as the Budget, is a record of actual cash receipts by departments and moneys actually drawn by departments to make payments. Accordingly, at no time does it include any amounts for contingent liabilities. The practice is that only those obligations that are properly authorized and already due and payable are drawn by departments and debited to Consolidated Revenue Account. The payment to a deposit account of $500,000 representing certain increases authorized in teachers' salaries late last fiscal year, pending detailed preparation of paysheets to facilitate the actual physical payment to individual teachers, was not payment of a contingent liability in the strict sense of the word "contingent". On the contrary, the liability was certain, and the amount was already due and payable to teachers. The pay period for which it was due had elapsed well before the year's end, and the amounts would have been actually paid to the individual teachers if it had been physically possible to get the necessary detailed calculations done, paysheets prepared, and cheques drawn and dispatched. This was not possible, but the charge was clearly in respect of the fiscal year 1970-71, so the moneys were drawn and paid to a deposit account pending completion of the details.

Whilst it is not the practice to draw moneys from Consolidated Revenue Account and hold them in a deposit account in order to cover ordinary Government obligations, which have accrued but are not payable by the end of a fiscal year, this does from time to time occur with wages and salaries that are payable on the first day or so of the new fiscal year, but to permit that, payment must be drawn in cash a day or so earlier. There are invariably some

cases, too, of wages and salaries drawn by departments late in a fiscal year intended for payment before the end of the year but which are, for one reason or another, not collected by the employee for a few days. The case of the award increases to teachers late in June, 1971, was abnormal in its extent and in its cause but not in its nature, and no moneys were paid that, in any way, represented obligations of the subsequent fiscal year. It is not possible, without a very great deal of unproductive clerical work, to give the precise figures of wages and salaries drawn at the close of each of the last 10 fiscal years but not actually paid until the early days of the succeeding fiscal years.

EDUCATION POLICY

Dr. EASTICK (on notice):

1. What is the estimated cost to date of processing the questions directed to the Minister of Education by members of Parliament and school committees subsequent to the meeting on education, held at Norwood on June 16, 1971?

2. What estimated additional expenditure is involved in completing the replies to these questions?

The Hon. HUGH HUDSON: The replies are as follows:

1. No additional employees were recruited to process the questions subsequent to the meeting held at Norwood on June 16, 1971. The only additional cost was the charge for paper and postage required to forward the circular dated August 24, 1971, to school committees. It is considered that committees should be kept informed of departmental policy on various matters that are of vital concern to them.

2. No additional expenditure will be involved in completing the replies to questions, as this will be undertaken by departmental officers as the opportunity permits.

HIGHWAYS DEPARTMENT LAND

Dr. TONKIN (on notice):

1. What is the potential annual revenue it is estimated could be returned from properties presently owned by the Highways Department, and acquired during the last five years for future transport requirements?

2. What revenue from these properties was, in fact, received during the last financial year?

3. Is it now intended to sell, or otherwise dispose of, any of these properties?

4. If so, what is the capital value of such properties?

The Hon. G. T. VIRGO: The replies are as follows:

1. About $430,000.
2. About $380,000.
3. Yes.
4. The capital value of properties expected to be surplus to requirements as in question 3 is estimated at $1,600,000.

PRESBYTERIAN TRUSTS BILL

The Hon. L. J. KING (Attorney-General) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and ordered to be printed.

CAPITAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from August 12. Page 767.)

Mr. CRIMES (Spence): I support the Bill and, although it may be rather strange, I indicate that I agree with the member for Mitcham that this is a serious matter. However, the conclusions I have reached in respect of the purpose of the Bill are different from those reached by the honourable member. Having spoken at length on this matter earlier, I do not intend to speak on it at any length on this occasion. I have previously emphasized that the purpose of the Bill is a reflection of the policy of the South Australian Branch of the Australian Labor Party (a policy to which I give my wholehearted support). I have never been able to understand why it is that, when a murder is committed in the community, the State, in turn, must also become a murderer. There is an old saying that two wrongs do not make a right, and I think that is apposite to the application of the death penalty by the State. After all, we cannot bring back the deceased, who is the victim of a murder, by dealing out the death penalty to the person who has committed the murder.

I do not subscribe to the slogan "An eye for an eye, a tooth for a tooth". I think that, in regard to the crime of murder, we should not only look at the individual who so unfortunately commits this act: we should also look at the society in which the act is committed. I distinctly remember reading somewhere (I wish I could pin-point where I saw it) that society prepares the crime and the individual commits it. I think it is fair to say that, when one examines the various mass media to which we pay attention from time to time, one sees that the society in which we live puts a premium

on violence. If we look at the various organs for the dissemination of news, which too often is dealt with in an atmosphere of sensation, we find that there is an emphasis on violence in our newspapers, magazines, films and on television, and it is a simple thing to imagine that violence in any shape or form can lead to the death penalty, to which this Bill refers. Regarding the mass media, particularly the newspapers, I consider that we should in some way or another insist on objective reporting. Too often we get a playing up, for the purposes of sensation and the sale of newspapers, of foul deeds committed in the community. An article appearing in the *Australian* on September 24, referring to Judge O'Shea, of the Melbourne County Court, and headed "Judge Blames Violence on T.V. 'Heroes' ", states:

Constant exposure to television and film heroes who solved their problems by violence was a major cause of the increase in violence, a judge said yesterday. Judge O'Shea said in the Melbourne County Court, "I regard the spread of violence in society as attributable in a large measure to the cinema and T.V. which consistently places before the public heroes who solve most of their problems by violence. It is no wonder they give young people the notion that violence provides the solution to most problems, but anyone who looks back over their lives knows that the problems which are capable of being solved by violence are rare indeed."

Indeed, this could well apply to the relationships between nations, as well as to relationships between individuals. When we examine the mass media in all its forms, we see that it deals with killing, raping, torturing and wounding, and it is played up by commercial interests for one purpose alone: profit-making. So we see that the basis of this kind of presentation is designed to make money out of the community. The trouble is that these interests find it easier to deal with the baser human instincts than to deal with peaceful and constructive community efforts, and I think that anyone who analyses the newspapers and various periodicals put at the disposal of the community will agree with this.

Mr. McAnaney: What about what you write?

Mr. CRIMES: If the member for Heysen read what I wrote, he would see common sense, and he would see things put in an objective and analytical manner. I do not want it to be taken that, having said this, I am heavily censorious: I do not like censorship, but I think some responsibility should be exhibited by the people about whom I have complained regarding the production of fiction and their presentation of fact to the general public. It may reasonably be claimed that the things about which I have complained do not affect anyone with reasonable mental capacity, but I think it is equally a fact that this unceasing emphasis on sensationalism in the newspapers and in other organs of the mass media must have an effect where crises involving great emotional content occur. We have often heard that statements have been made in the courts that robberies have been carried out on the basis of depictions that the individuals involved have seen on T.V. or in films, and that shows that this does have an effect on the minds of some people. In fact, 10 or 15 years ago we would have raised our eyebrows in surprise at the news that there had been a bank robbery in Australia. Today, we do not indicate a flicker of interest. This indicates the trend that has taken place, and it is a very short step from violence and robbery of any kind to the murder of an individual or individuals.

The Hon. D. N. Brookman: Do you think there should be more control of television programmes?

Mr. CRIMES: I am not advocating more censorship but, as I said earlier, I think there should be more responsibility on the part of those responsible for these programmes. Let me make clear for the benefit of the member for Alexandra that I have no objection to the reference to or depiction of any of these things of which I have complained, so long as they are part of a theme. What I am objecting to is the unnecessary violence in these things. I repeat that it is frequently the case that those who are responsible for making entertainment and fictional presentations to the public find it much easier to appeal to the baser instincts of human kind than to deal with their better and more wholesome instincts.

Mr. Jennings: It pays them better.

Mr. CRIMES: The member for Ross Smith has hit the nail on the head: it pays them better. So the basis of this situation is the desire to make a profit at any cost, even though it may be of terrible harm to the community. The member for Mitcham referred, and I think rightly, to political assassination and to the various prominent political figures in the past that have fallen to the assassin's knife or bullet. I would go further in regard to political assassination and refer to the murder with

political content that has occurred for so long a time and so unnecessarily in Vietnam, where by scores of thousands there have been political assassinations for a purpose now regarded and accepted as being immoral and unjust.

The Hon. D. N. Brookman: That is rather an absurd parallel.

Mr. CRIMES: It is not, because it involves the killing of human beings. I think there is some psychological link between those who have favoured and possibly still favour sending young men to murder in another country and those who today favour the retention of capital punishment. The death penalty is a hang-over from the arch-conservative attitude of earlier times when the lash and the bullet were utilized in dealing with recalcitrant workmen and also in the disciplining of coloured people by white people who were dominating them. An interesting item appeared in the *News* of September 14 under the heading "Hanging demand tipped". Obviously, this indicates a demand being made where the death penalty does not exist. The article states:

Public demand for the "reintroduction of the noose", which the Government would find difficult to withstand, is forecast by a legal journal today.

That was September 14. The article continues:

Before this situation arises, says the current *Justice of the Peace and Local Government Review*—

presumably a reputable publication—

there should be sterner punishment to deter criminals from carrying guns, the Press Association reported. In an article headed "Society and the Gun", the journal states: "The death by shooting of Superintendent Richardson in Blackpool recently was just not a personal tragedy for his wife and friends, not just the loss of a brilliant officer—it should be for the rest of us a warning of the times we live in."

When we look around us, we see increasing emphasis on violence and an increasing number of people engaging in violence. We have a right to describe the American scene as a "gun society". In South Australia at least I believe we have a Government that is concerned about the dissemination and possible use of firearms for ulterior purposes. I mention here the pleasure with which I read the announcement in the press (I think this morning) that there was to be a restriction on the use of air guns.

Dr. Tonkin: Hear, hear!

Mr. CRIMES: I appreciate the "Hear, hear!" from the member for Bragg, because I know he is interested in this matter. I am equally interested because I think the indiscriminate use of guns of any description, even the less harmful ones known as air guns, can lead to serious damage and accident, possibly resulting in loss of life in the community. So I am pleased that this action has been taken. I think it is worth repeating that Article 6 of the Covenant of the United Nations on Civil and Political Rights has something to say about the use or otherwise of the death penalty. It states:

Every human being has the inherent right to life. This right shall be protected by law. No-one shall be arbitrarily deprived of his life.

I emphasize the word "no-one". I have no brief for the people against whom the death penalty may be determined, but I still think that this does not give anyone else, even the State, the right to take the life of the person who has perpetrated this deed. Article 6 also contains this reference:

Nothing in this article shall be invoked to delay or prevent the abolition of capital punishment by any State party to the covenant.

If we look at the world at large, I think we can say with fairness that the determinations and decisions of the United Nations Organization have been given little regard. This is a great pity. However, here we have an opportunity in some small but important way to reverse the situation in the local scene by giving regard to the world organization's attitude towards the death penalty, supporting this Bill and ensuring (and here I refer to the need for progressive analysis of the situation by honourable members in another place) that the Statutes of South Australia are cleansed of this unfortunate blot that still remains on them: I refer, of course, to the death penalty. I support this Bill.

Mr. CLARK (Elizabeth): Over the years I have spoken several times on this matter, and I have done much research in connection with it. Generally speaking, debates on this matter are good and interesting. I do not intend to speak at length now, for my opinions have not changed, but I suggest to honourable members that, if they are interested in this matter, as they should all be, it would be proper for them to read the debates that have taken place over the last 15 or 20 years, and probably longer than that. However, I cannot go back further than that. Such reading would be valuable to them. Today, I shall speak more broadly and somewhat more briefly. I consider that even the possibility

of capital punishment being administered in this State should be taken away forever: in other words, I support the Bill and am in complete opposition to capital punishment. Indeed, it is inexcusable and indefensible in this year 1971 that a so-called Christian State like South Australia should still have the right to inflict capital punishment.

I remind members that not so very long ago in the United Kingdom (and we base our ideas of law largely on what has been done there) one could be hanged for dozens and dozens of offences. Until 1811 people were hanged for stealing cloth, and until 1819 people were hanged if found in disguise in any forest, park, high road, open heath, common or down. Until 1819 one could be hanged for robbing warrens or making a false entry in a marriage register. Until 1820 hanging was the punishment for shoplifting (and that is not so long ago, Sir), and until 1832 hanging was the penalty in the United Kingdom for stealing cattle, horses and sheep. Before 1833 hanging was the penalty for housebreaking, and until 1834 one's return from transportation meant hanging. Those who remember Dickens's novel *Great Expectations* will remember that the return of a convict was a vital part of the story.

Mr. Coumbe: What was his name?

Mr. CLARK: I have forgotten, otherwise I would give it. Until 1835 sacrilege involved hanging, as did larceny from a post office. Until 1836 (the year that South Australia was founded), one's life was forfeit for coining or forging. Until 1837 one was hanged for burglary from a dwellinghouse, and until 1841 hanging was the penalty for rape. Not until 1868 were public executions banned.

Mr. Gunn: You are not going to give us another of those speeches—

Mr. CLARK: If the honourable member wants me to reply in a polite manner, he will have to speak up so that I can hear him. I remind the House that the lifting of the penalty of capital punishment for all the offences to which I have referred was wildly opposed by many people. I remind the House that when, about 100 years ago, Sir Samuel Romilly introduced a Bill to stop forever hanging, drawing and quartering (I will not go into the details of how drawing and quartering was done, for fear of upsetting honourable members), he was told by an honourable member not of the House of Lords but of the House of Commons that to do such a thing would be to break down the bulwarks of the Constitution. Unfortunately, I have no doubt that, even in this day and age, some people (and we may have some of them in this Parliament) think that the abolition of capital punishment might do the same sort of thing. I am afraid that that type of person, although perhaps with not such extreme views, is still with us. In 1971, we in South Australia still find people prepared to advocate the retention of capital punishment.

Mr. Gunn: And for very good reasons, too.

Mr. CLARK: I have yet to hear one good reason for the retention of capital punishment.

The Hon. L. J. King: The contribution by the member for Eyre will be worth hearing.

Mr. CLARK: I should be pleased if the honourable member could give me some good reasons for the retention of capital punishment. I do not believe there is one good reason.

Mr. Gunn: You should have listened to what the member for Mitcham said.

Mr. McAnaney: Have you one good reason why it should be abolished?

Mr. CLARK: If the honourable member listened, he would enjoy the debate. I sympathize with the honourable member. Although I have some respect for him, I am afraid he is seriously misguided on this issue. I am surprised that he should be such, as I should have thought he had more sense. It might be of interest when examining this subject to try briefly to work out the justification people give for retaining capital punishment or, indeed, any punishment at all. In the main, they talk about retribution, deterrence and reform. However, those who talk about reform and advocate capital punishment are perpetrating an ironical type of joke.

Let us examine the matter of retribution. Some people quote from the Bible to defend capital punishment, and others talk about an eye for an eye, a tooth for a tooth and other similar quotations which indicate that, because someone has killed, he must be killed also. In essence, this argument goes back a long way and is simply a desire by the State for vengeance. Peculiarly, most States (in fact, all civilized States) are legally opposed to private vengeance although they have nothing against public vengeance. This seems to be a formula with a strong appeal to the ignorant and unsophisticated and also to the venomous. However, it is not so attractive to the more liberal, civilized or sophisticated minds.

I admit, however, that a Gallup poll taken in the United Kingdom in February, 1965 (which also is not long ago), showed that 44 per cent of the people questioned agreed with the proposition that the first concern of the courts when sentencing a criminal should be to punish him for what he had done to others. Other people think that because society regards murder as infinitely worse than any other crime (and I believe it is) it must give supreme notice of this abhorrence by imposing a uniquely severe punishment: that of death. Taking one life for another is this unique form of punishment. If the House can support this attitude and ignore everything else, it must support the retention of capital punishment.

Let me refer now to the matter of deterrence. In other speeches I have gone to much trouble in quoting evidence to prove that hanging is not a deterrent. Although I will not elaborate on this aspect today, I ask honourable members to think about this matter. Hanging is obviously not a deterrent to crimes of passion or crimes committed on the spur of the moment, when someone's hate, love, jealousy or something of that nature is so intense that he forgets everything else, including the punishment for the crime that he might commit.

Capital punishment is not a deterrent when a murderer has no concern for his own life. I refer in this instance to people who have some mental abnormality. Although I am not a psychiatrist, I am inclined to think that anyone who commits a murder has some mental abnormality. I do not think capital punishment is a deterrent to the cunning murderer who carefully plans a murder before he commits his crime, because he does not expect to be caught. I believe that the person who acts and feels in that way is not normal, either. I do not think it is any deterrent to the criminal who kills in the course of some criminal activity when he is apprehended by the police or a householder. It is done on the spur of the moment and no-one has time then to think of the penalty for doing it. The British Royal Commission, which investigated the whole matter of capital punishment recently, came down with the conclusion, after collecting information from every country where execution had been abolished and from many countries where execution had not been abolished, that the removal of such a penalty did not lead to any increase in capital crimes. Any evidence of deterrence by capital punishment was so flimsy that it seemed likely that those who supported killing as a deterrent were only deceiving themselves or the public, or both. A person who supports the idea that it is a deterrent and ignores everything else must support capital punishment.

Regarding reform, I think the idea of most penal laws these days is to enable the criminal to reform or to be reformed and, eventually, to return to society, or to enable him to repent and have the opportunity to atone in some way for what he has done. If his life is arbitrarily taken away, that permanently precludes any chance of reform or atonement. One of the strongest objections I have to capital punishment is that if a man is executed he is dead: nothing more can be done about it. It does not matter whether it is later ascertained that he was innocent, and this has happened on a number of occasions. On other occasions I have quoted a dozen or more cases in which this has happened. All that can be done is to say that the man or woman who had been hanged was innocent, but I cannot see that that would help the person who had been put to death by the State.

The Hon. L. J. King: You could bury him in consecrated ground.

Mr. CLARK: Yes, I understand that that can be done. If a person supports or condones the attitude of deterrence and ignores everything else, he must support the retention of capital punishment. This is supposed to be a Christian State. We come to the House every day and begin our proceedings with prayers, and it is good that we do this.

Mr. Gunn: You have to take an oath when you first come here.

Mr. CLARK: The member for Eyre is muttering something about oaths, but I am the last person who would use oaths when speaking. I do not think this is a religious matter, but the book of Ezekiel states:

As I live sayeth the Lord God and have no pleasure in the death of the wicked, but that the wicked shall turn from his way and live.

That cannot be done if a person is executed. I cannot blindly agree to ignore the evidence in my mind, and probably in my heart, too, regarding capital punishment. I am ashamed that I live in a State where people can still be legally deprived of their life. I support the abolition of capital punishment, which should have been abolished long ago. Evidence has been put before the House time and time again that those who believe in capital punishment have no valid case at all. I am anxious to hear the remarks of one or two honourable members who indicated during my speech that they did not agree with me. Of course, they have every right not to agree with me.

I hope this debate will not be conducted along political lines. I know that honourable members will rightly tell me that the abolition of capital punishment is one of the Labor Party's planks, and so it is. I doubt whether I would be a member of the Party if abolition were not one of its planks. I have difficulty in seeing any reason that could be put forward for taking such vengeance on individuals, although some have done a grievous wrong and should be punished. I have every sympathy for the people who have been deprived of parents or children as a result of the particularly vile act of murder, but that has nothing to do with the legislation. I think it is a matter of whether a thing is right or wrong. We are told time and time again that things are only partly right or partly wrong, but there is no room for that here. I hope honourable members will give earnest consideration to the Bill, which should have been passed years ago. A similar Bill has been passed by this House once or twice; sometimes it has failed. It failed on one occasion after it was passed by this House but not considered by another place. On the last occasion the Bill passed this House and was debated by another place. If honourable members want to read an interesting debate they should read the one that took place in another place: some points were made there that would amaze members on both sides of the House. I fervently support the abolition of capital punishment and trust that members on both sides will give it every consideration.

Mr. PAYNE (Mitchell): I support the Bill, which, as far as I am concerned, is for the abolition of State murder. However, I deplore the necessity of having to debate this legislation again in 1971. The Bill, which is long overdue, should have been passed when it was last debated in another place. My impression of the remarks of the member for Flinders the other day was that he wanted to have $1 each way: he wanted the death penalty to remain on the Statutes but, in his own words, he hoped that during his time there would not be another hanging in South Australia. He is quite prepared to leave the decision to the Executive, that is, to someone else. I point out to the honourable member that he could help ensure that there will not be any hanging by voting for the Bill. He also mentioned paid killers (I think that was his term) and said he could not see that hanging was too bad for them. To me, that means one of two things: either an admission of the enormity of hanging by the State or by anyone else, or alternatively that he was suggesting that something worse should be done to these people. What does he want? Does he want us to go back to the practices of the nineteenth century? Does he want their entrails boiled in oil after they have been hanged? I hope the honourable member does not have that in mind but he possibly gave that impression during his speech.

Why are some kinds of action forbidden by law and classified as crimes or offences? As far as I can see, the purpose is to announce to society that we ought not to perform such actions and also to ensure that fewer and fewer such actions are performed. Do we require provision for State murder to achieve that aim? I say "No". One argument that attempts to justify capital punishment is that it is the community's emphatic denunciation of a crime. I would say that any State that involves itself in capital punishment is itself denounced in the eyes of all humanity.

Generally speaking, the arguments advanced over the years favouring the retention of State murder are based on the ideas of punishment and deterrence. The member for Elizabeth dealt in some measure with the argument based on deterrence, but I believe, as he does, that that argument is completely false. Its falsity has been evinced in various inquiries since the whole question was first discussed. One such inquiry has special significance for me; that inquiry was conducted by Mr. Robert Dann of Oregon State College some years ago. Well-publicized groups of executions carried out over a period of years in an area were chosen for study. If capital punishment was a deterrent, there should have been a noticeable effect on the murder rate in the area. Mr. Dann's statistical examination showed no clear evidence of any deterrent effect whatever. In New Zealand the death penalty applied from 1920 to 1940, and it did not apply from 1941 to 1948. The Minister of Justice in New Zealand, when introducing a Bill to restore capital punishment, said:

> I have satisfied myself that the figures neither prove nor disprove the case for capital punishment, and therefore they neither prove nor disprove the case against it.

So much for the statistics that are often quoted to bolster the argument that capital punishment provides a deterrent. Since 1892 the murder rate in the United Kingdom has been relatively constant; over that period there have been between 140 and 160 murders a year, irrespective of whether capital punishment has been on the Statute Book or not. I believe that those statistics effectively dispose of the

deterrence aspect. Consequently, I think there is hope for those of us who place much faith in human nature. It seems to me, judging from what I have heard in various debates here, that most members of this House who have faith in human nature are on this side of the House. The population of the United Kingdom has markedly increased over the years, and the murder rate per capita has decreased, irrespective of whether capital punishment has been on the Statute Book.

It is sometimes argued that, where gangs of criminals exist, the execution of a member of a gang who has committed murder can break up the gang. That argument is weak, because surely long-term imprisonment of the convicted murderer would have the same effect. Possibly that point is relevant to the remark of the member for Flinders about paid killers. One way of gauging whether State murder should be practised would be to consider who are the proponents of State murder. Some years ago Lord Goddard was asked whether he thought it proper that a man certified as completely insane should be hanged; Lord Goddard replied that he thought it was perfectly proper. He was then asked, "If you thought the man was insane and could not make his peace with God, would you believe that he should be hanged?" His reply was, "He could make his peace quite well, I think." Lord Goddard is entitled to his opinion, but I am glad to say that his opinion does not coincide with my opinion or that of my Party. I doubt whether his opinion reflects current feeling on this question in Australia, except possibly the opinion of some members of another place.

The people of Australia have become much more enlightened in connection with this matter over the last 20 years. That is shown by results obtained in Gallup polls. In 1953 about 69 per cent of the people interviewed favoured the retention of capital punishment, while 24 per cent favoured life imprisonment. In 1967 about 39 per cent of the people interviewed favoured the retention of capital punishment, while 46 per cent (almost double the corresponding percentage in 1953) favoured life imprisonment. People in Australia generally seem far more progressive in this matter than is the member for Mitcham. If my memory is correct, he said that he had debated the matter in the House four or five times over many years and had not changed his views on it one whit. Thank heavens the people of Australia are more progressive than that.

The involvement of members with this matter is probably different in each case. I imagine that the member for Playford, in his profession, may well have encountered different aspects of the matter than have been encountered by other members such as I. Once I was in a position where I was about to become directly involved with capital punishment. Perhaps my recollection of the occasion may be of some interest to members. In 1946, I was in the Royal Australian Navy, serving on a ship at Rabaul. At this time the Japanese war crime trials were being carried out, a number of executions taking place. In the Navy, those who were referred to as gunner ratings were those who were considered capable of holding a rifle and firing it. I was a gunner rating and, with several others, I was informed that in the next week we would be the duty firing squad. Thank heavens that our squad was never called on. Many young people, ranging in age from 20 years to 25 years, were on board the ship and were faced with this predicament. Proponents of State murder are willing to put other people, such as public executioners, men who sign documents and so on, in this position.

I recall my feelings at the time. Although I was normally happy in the Navy, this was the only time I considered mutiny. Probably unlawfully, I discussed with other ratings decamping to some island or getting away somehow. This would not have been easy at that time in Rabaul. It is one thing to sit in Parliament and decide what will happen, and another thing entirely for someone to carry that out. The effect our decisions have on other people should be carefully considered, especially when the retention of capital punishment is the subject of debate. Our orders in Rabaul were subsequently rescinded. I can only say that I was cowardly enough not to inquire any further into the matter. I presume that the poor old Army, which did all the work in the war anyway, got lumbered with that duty, too. I was so relieved at not being required to do this that I did not inquire further.

Other members have said that we should not need to talk on this matter for a long time. From the Government's point of view, the need to abolish capital punishment is evident. The poll that I have quoted (and no doubt there are later polls) shows that the people of this country have reached the

stage of enlightenment where they favour abolition, and I can only say that this stage should have been reached earlier. As legislators, we should take notice of this, and I hope members opposite have observed the public feeling on the matter. I echo the remarks of the member for Elizabeth when I say that none of us condones in any way the kind of unspeakable crimes that we all know sometimes occur. As the member for Elizabeth said, those matters are related to but do not necessarily have a bearing on this issue. Surely we should be trying to improve social behaviour patterns. In simple terms, we would like people to stop killing other people, so we need to set an example in this area by getting the State to stop killing people first. If we do this, surely we will indicate to society that we have a far greater abhorrence of the crime we are discussing than we would indicate if we simply adopted the expedient attitude of saying to people, "Do not murder anyone or we will murder you." That is what the present position comes down to.

We must set an example in this area. The behaviour patterns of which I have spoken are becoming evident in the community, especially among younger people, who are taking notice of what happens in this House, the Upper House, Canberra and in public life generally. I think these people will perceive what we, as legislators, are trying to do. By passing this legislation we will be aspiring to a higher code of living, and I am sure this will commend itself to the people of our society. I support the Bill.

Mr. McANANEY (Heysen): On Friday, I will have been a member of this Parliament for eight years. Possibly this is the only issue on which I have had great difficulty in making up my mind; I can see some reasons for the abolition of capital punishment and some reasons against it. My natural inclination is to favour abolishing the death sentence. Even at this stage I have not made up my mind how I will vote. It perturbs me to hear the member for Spence piously and hypocritically speaking about what is happening in Vietnam. If he were honest, he would have demonstrated against the Communists when they invaded Czechoslovakia, and against the Viet Cong when it invaded another country, destroying people there. My main purpose in speaking is to complain about this hypocrisy. If this is the sort of example we set for people, we will create situations where people feel like committing murder. It is hypocrisy to attack one group for doing something wrong while saying that it is all right for another group to do the same thing.

Mr. Crimes: I'll explain it to you later, Bill.

Mr. McANANEY: That is the point that I rose to make, and I am still undecided on the matter. I think we should retain in the law provision to take action in particular cases. What could we have done to prevent those two young people in Victoria from murdering a girl for kicks, and what is the root cause of this? Does a member of Parliament try to explain how to get around this matter? This is the problem that we must solve, what to do with this type of person.

I do not like the Executive Council's having to make a decision after the death sentence has been passed. I am sure that the Ministers are too busy on other matters to examine all the evidence thoroughly. Further, the Ministers do not attend the hearings and see what is taking place, and it seems a weakness to leave on the Statute Book provision for Executive Council to make a decision. Any decision to be made should be made by a higher court or a group of judges, but then the difficulty arises about legislating for the type of murder for which a life should be taken, if there is any justification for taking a life.

Can anyone explain why a person who takes a gun, intending to rob a bank and shoot anyone who touches him, has a right to live? If I had to pass a death sentence, perhaps I would ask myself whether a person who had sold heroin to another person, causing him to become addicted, had a right to live. We must set a better example. Although I may have confused the issue in this case, I have always expressed definite opinions in this House and, without boasting, I can say that my opinions have been proved to be correct, even though the majority may have been against me. I am undecided in my opinion on this subject, and the arguments that have been put for and against capital punishment have not clarified the situation for me.

Mr. EVANS (Fisher): My opinion is the same as it was last year when this matter was debated. On that occasion I stressed the point (and I believe the member for Bragg supports me in this attitude) that any person found guilty of murder should be gaoled for the term of his natural life, never to be released, unless found innocent at some later stage. I consider that is the logical solution of our problem, and it is a big deterrent to

an individual who thinks about the consequences when he sets out to commit murder. I doubt that many of them think of the consequences now. That is my only comment and, as much as I dislike taking from the Statute Book the power to condemn a man to death, I still could not support capital punishment, and for that reason I support the Bill.

Mr. RODDA (Victoria): I, like my colleague the member for Fisher, shall also be brief, but for different reasons. I oppose the Bill. As I have said previously, I consider that capital punishment has been administered in this State as I desire it administered, and it is good to have the present provision. I know that we have heard forceful argument that capital punishment is not a deterrent, but I consider that it fulfils a useful purpose. Many times the argument has been advanced about a police officer on duty.

I do not want to cast a silent vote on the matter. One only has to consider the second thoughts that people overseas are having on the question. It is never a bright prospect to contemplate a hanging, but when we think of some of the circumstances we realize that there are in our society individuals who must be dealt with, and I consider that the legislation on our Statute Book is administered judiciously and with much care.

Mr. HOPGOOD (Mawson): I do not intend to delay the House for very long but, as the member for Heysen has told us that he is still undecided about how to cast his vote on the Bill, it would be remiss of me if I did not try to do something towards influencing his vote. My basic point is that, in any discussion on this topic, the onus of proof should be on the retentionists. If a Martian landed tomorrow and was told that a man could be put to death judicially, he might well ask why this was happening and, doubtless, the answer given would be that he had taken another man's life. I guess the next question would be, "All right, one murder has taken place. Why is a second murder now taking place?"

Surely the onus for the reply should be on those who were in favour of this judicial murder, capital punishment, taking place. That is obvious. Because most countries have had a pre-existing situation in which there already was provision for capital punishment, there has been a tendency for the onus of proof to be thrown on the abolitionists. However, if we take murder seriously (and surely the fact that people have supported capital penalties for murder suggests that we do take it seriously) the onus of proof must be on those who seek to take life judicially. In this debate, the honourable members who have said they will oppose the Bill have not given sufficient proof of why judicial murder should be retained on the Statute Book. I refer briefly to an article by Albert Camus, *Reflections on the Guillotine,* and should like to quote from it. He states:

> In the 33 nations that have abolished the death penalty or no longer impose it, the number of murders has not increased. How can we therefore conclude that the death penalty is really intimidating? Its partisans can deny neither of these facts nor these figures. Their only and ultimate reply is significant; it explains the paradoxical attitude of a society which so carefully conceals the executions it claims as exemplary: "It is true that nothing proves that the death penalty is exemplary; it is even certain that thousands of murderers have not been intimidated by it. But we cannot know who has been intimidated by such a penalty; consequently, nothing proves that it does not serve as an example." Thus the greatest of all punishments, the penalty that involves the ultimate forfeiture of the condemned man and concedes the supreme privilege to society, rests on nothing more than an unverifiable possibility. Death, however, does not admit of degrees of likelihood; it fixes all things—blame and body alike—in its definitive rigidity. Yet it is administered in our country in the name of a possibility, a calculation of likelihood. And even if this possibility should be reasonable, would it not have to be certitude itself to authorize certain and absolute extinction? Yet the man we condemn to die is cut in two—

he is speaking of France (and of the guillotine) in earlier days—

> not so much for the crime he has committed as for the sake of all the crimes that might have happened, but which have not happened—which could occur, but somehow will not occur. Hence, the greatest possible uncertainty appears to authorize the most implacable certitude of all.

I believe that the only humane justification for retention could be that such retention would prevent murders (that it would act as a deterrent), and any amount of evidence has been collated to show that it cannot be proved that retention of the death penalty acts as a deterrent in the sense that it reduces the number of murders committed. A study was taken in the United States some years ago in which the number of homicides that occurred 60 days before and 60 days after an execution was tabulated. The researcher referred to five different executions, each of which had received adequate publicity so that knowledge of their having taken place was reasonably widespread in the community. The specific theory to be tested was whether the deterrent effect of the

death penalty would be reflected in the 60-day periods after each execution when, it would appear, deterrence would be most active. The results of this investigation revealed that in the five 60-day periods before an execution, when the deterrent effect was supposedly weakest, there was a total of 91 homicides in Philadelphia. By way of contrast, in the five sixty-day periods following an execution, when the deterrent effect should have been strongest, there was a total of 113 homicides. Although, again, the results of this special study cannot be considered conclusive, the evidence in this case does not substantiate the deterrent effect of the death penalty on the homicide rate.

Mr. Barry Jones, in his admirable book *The Penalty is Death,* quotes one case which occurred when the book was going to press: two young men, at that time under sentence of death in New Hampshire, United States, had kidnapped their victim in an abolitionist State, taken him over two abolitionist State borders, and killed him only when they reached a death-penalty State. One wonders just exactly what the effect of the retention of the death penalty in that State had on the murder pattern. It certainly did not deter in this case. This must be a strong and cogent argument for suggesting that people really do not consider the consequences in any way when they take another person's life. From time to time, there has been much emotion arising out of the matter: "How would you like to be in the position of the wife (the child, mother or husband) of the victim?" Of course, this is an inadmissible sort of argument to raise, because no-one would suggest that these people should sit in judgment in a court of law on the person who had killed their relative. However, it is interesting to note the reaction of one such bereaved person, who had her daughter taken from her as a result of an act of murder. This is what a letter from the girl's mother had to say:

I cannot believe that capital punishment is a solution—to abolish murder by murdering, an endless chain of murdering. When I heard that my daughter's murderer was not to be executed, my first reaction was immense relief from an additional torment: the usual catastrophe, breeding more catastrophe, was to be stopped—it might be possible to turn the bad into good. I felt that this man, the victim of a terrible sickness, or a demon over which he had no control, might even help to establish the reasons that caused his insanity and to find a cure for it. Maybe he became what he is because of unnamable humiliations and rejection. To become useful would be a way to cure him. Neither those seven brave women of the jury nor any other women would have cause to fear him after 12 years. My daughter was against capital punishment. When she was eight years old she came home from school one day and told me a little boy had thrown a glass of water over her. "And what did you do?" I asked her. "At first," she said, "I wanted to do the same to him, but I suddenly saw myself doing what he did . . . He would have won." As she grew up, this idea grew into a desire to help the destroyer. If it is to be "an eye for an eye and a tooth for a tooth", this will soon be a blind and toothless world.

I have said that arguments advanced so far in this debate for retention have been extremely muted indeed and almost, I suggest, apologetic, and I do not think this is surprising. Mr. Jones, in editing his book, had considerable trouble in trying to find recent cases in favour of retention. He even wrote to the Victorian Government, because I think probably Sir Henry Bolte, of anyone in Australia, has been the one most closely associated with the retentionist cause, and it is interesting to note the sort of reply Mr. Jones received from the Premier and the then Deputy Premier and Chief Secretary (Mr. A. G. Rylah). Mr. Jones had written:

It would be of immense value to the book—and to the retentionist cause—if you would contribute a statement of your views on the question of capital punishment, summarizing the relevant evidence. Even if you cannot spare the time to write even a short statement, we would be grateful for any assistance you might give in suggesting sociological or criminological works which would help us to faithfully record evidence in support of your position on the question of capital punishment. We are anxious to avoid polemic and to make this book as objective and factual as we can.

This is the reply he received from the Victorian Under Secretary (Mr. J. V. Dillon) on behalf of Mr. Rylah:

The Chief Secretary has asked me to acknowledge your letter of November 16, 1967, concerning a book you are editing with the probable title of *Capital Punishment in the 20th Century.* The Minister has noted your request for a statement on his views on capital punishment but desires me to say that, as the Government's attitude to capital punishment is well known and has been stated on a number of occasions, there would appear to be little need for it to be reiterated at this time. A good source of reference material in support of the retention of capital punishment is the House of Lords Debates. I suggest that the debates that would be of particular interest to you would be those on the Criminal Justice Bill in 1948 (Volume 156), and the Death Penalty (Abolition) Bill in 1956 (Volume 198).

Then, on behalf of the Premier, the Secretary of his department replied on January 5, 1968:

I am directed to advise that as the Government's attitude is well known there appears

to be little point in commenting further. It is understood that you also wrote to the Chief Secretary whose views in the matter were sent to you on December 14 last.

One can well sympathize with both the Victorian Premier and his Chief Secretary in their dilemma, because it is difficult indeed to justify retention, except simply with a dogmatic statement that certain crimes deserve capital punishment. This reads rather peculiarly alongside the ideas of those people who have said from time to time that life imprisonment is, in fact, a greater punishment than is capital punishment. One cannot have it both ways, and I think there is a basic inconsistency here in the retentionists' argument. I believe that a basic inhumaneness is also involved. These people seem to take up a sort of metaphysical position in trying to justify their dogmatic attitude. All we can say here is that what they are, in fact, putting forward is a sophisticated version of a primitive wish for revenge. I would have thought that any society would do away with the primitive wish for revenge, whether at the individual level or at the collective level, long ago. The onus of proof must lie on the retentionists, who so far in this debate have not stated their case sufficiently. I support the Bill.

Mr. GUNN (Eyre): I oppose the Bill. I have not heard sufficient reasons from members who support the Bill to make me reconsider my opinion. I support the remarks made by the member for Mitcham and the member for Flinders. I thought the member for Spence was addressing himself to the activities of the Census Bureau or to the Postmaster-General's Department, because in no way did he address himself to the Bill.

Mr. Mathwin: What about Vietnam?

Mr. GUNN: On Vietnam he took the stand supporting one of the most vicious forms of tyranny the world has ever seen.

Mr. Crimes: What are you talking about?

Mr. GUNN: International Communism. I draw the attention of those members who have said that capital punishment is being abolished throughout the world to an article which has recently appeared in the *Advertiser* and which is headed "Hanging Demand Tipped". The article states:

Public demand for the "reintroduction of the noose," which the Government would find difficult to withstand, is forecast by a legal journal today.

If the member for Spence analyses the article he will realize that current opinion in Great Britain is that capital punishment should be reintroduced because of the serious crime situation. I believe the Government will do a disservice if it removes capital punishment from this State's Statute Book. No harm would be caused by leaving it on the Statute Book. I do not think that any member would advocate wholesale hanging, but there are a few crimes for which hanging is the only punishment that should be prescribed. I draw the attention of members to another press article which states that a prisoner who had escaped from a prison in Great Britain had already been convicted of murder once, had been sentenced to death, released on parole and, within a matter of weeks, had committed another murder. I believe that murderers of this type should be hanged and, as only on a few occasions is capital punishment carried out, I oppose the Bill.

Mrs. BYRNE (Tea Tree Gully): I support the Bill. Although I realize that murder is the most serious crime, nothing has been said in this debate to prove that taking a murderer's life prevents further murders from being committed. On the other hand, taking a murderer's life causes innocent people additional suffering. The innocent people I refer to are the relatives of the murderer or murderess—the mother, father, brothers, sisters, daughters or sons. Once the murderer has been executed he is gone for ever, but his relatives have to continue living their lives with that case hanging over their heads. Every now and again people remind them that one of their relatives committed a murder and his life was taken for that reason. It would be much better for the relatives if the murderer could remain in prison, because then there would be less likelihood of his crime being thrown up at them as it could be presumed that he was, in fact, insane.

It is a fact that the relatives of murderers do suffer. I have heard of such cases, and perhaps other members have, too. When they cast their votes on this matter, they would do well to think of this aspect and wonder how they would feel if they were placed in the position where a person whose life was taken by the law was a relative of theirs. They would probably find it necessary to leave the State, if not the country, to try to live in peace; they would never live in peace in their own minds, but at least they would not be tormented by other people.

Also, it is wrong under our present system to force a person to take another person's life. I do not know whether there is a hangman or whether there are hangmen but it is not right that a person or persons should, even by

law, be forced to take the life of someone who has in fact killed another person.

The Hon. L. J. KING (Attorney-General): I do not intend to reply in detail to this debate, for several reasons but mainly because on the last occasion when this issue was debated in this House I occupied some time in replying and during the course of this debate no further considerations have been put forward to justify the retention of capital punishment. I agree with the member for Mawson that the onus of proof clearly lies upon those people who propound and defend the retention of capital punishment. I say that for the following reasons. The act of execution involves the deliberate and premeditated taking by the State of human life and clearly, if that is to be justified, there must be the most cogent reasons why it is necessary for the State to act in that way; because to say that the State should take a human life is to say that it should do something which, of its nature, tends to devalue human life in the community. The very act of the judicial sentence of death followed by execution, of its nature, tends to devalue human life in the community and diminish the sense of the value of human life amongst the citizens of the community.

Goodness knows, there are enough things now in our community tending in that direction. Unless it can be shown that serious harm will result to the community or its citizens from the abolition of capital punishment, I suggest the State should put aside the power it now possesses by law to inflict death upon those of its citizens who have been guilty of certain crimes called capital crimes. Last time this issue was debated, I said there was no evidence that the abolition of capital punishment would result in even one additional crime in the community. Nothing has been shown since that debate to indicate, and certainly nothing has been said during the course of this debate to suggest, that the situation has changed.

Indeed, so far from there being any evidence that the abolition of capital punishment would result in any further crime in the community, the evidence, such as we have it, tends strongly in the opposite direction because, as I spelled out in some detail last time and will not repeat here in detail again, all the inquiries, researches and experience we have had tend to show that the murder rate does not alter significantly in States that abolish capital punishment and the murder rate tends not to show a significant difference between States or countries that have capital punishment and those that have not. This is particularly striking in a country like Australia or the United States of America, where side by side there are States with, broadly speaking, the same environment, the same traditions and citizens of the same basic temperament and racial characteristics, yet one State has capital punishment on its books and the neighbouring State has not and there is no significant difference in the murder rate over the years.

So I say that, so far from those who seek to retain capital punishment having proved that its abolition would result in an increase in the murder rate, on the contrary the evidence of our experience, observation and research tends to show that the abolition of capital punishment makes absolutely no difference to the murder rate. That is really the end of the argument, because I cannot conceive how we can justify the State's deliberately taking human life as punishment unless we can see that by that act we are achieving something of such benefit to the community that it justifies so terrible an act and the continuation of that damage and wound to the sense of the value of human life which, to my mind, undoubtedly results from the mere existence of capital punishment on the Statute Book of the State. So I suggest to the House that during the course of this debate nothing has been added that weakens in any way the case for the abolition of capital punishment.

Another year has passed and no execution has taken place in this State. It is now seven years since any person was executed in South Australia. Does any one of us in this House really want to see another hanging in this State? Surely this is the time, seven years after the last execution, for this Parliament to say, "This is the end of it." We have managed satisfactorily in South Australia for seven years without hanging anyone. Why in heaven's name should we leave on the Statute Book a law that might conceivably in some future circumstances result in an execution? Surely this is the time to make an end of it. I appeal to this House to do so.

The House divided on the second reading:

Ayes (25)—Messrs. Broomhill and Brown, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Evans, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller),

Langley, McAnaney, McRae, Payne, Ryan, Simmons, Slater, Tonkin, Virgo, and Wells.

Noes (14)—Messrs. Allen, Becker, Brookman, Camie, Eastick, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, Millhouse (teller), Rodda, Venning, and Wardle.

Majority of 11 for the Ayes.

Second reading thus carried.

Bill read a third time and passed.

CORPORAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from August 12. Page 768.)

Mr. MILLHOUSE (Mitcham): I do not intend to speak for long on this Bill, as most of the arguments which have been raked over in discussing the previous measure can be applied to this matter as well. As I do not favour this Bill, I intend to oppose the second reading. I am in some difficulty because of the way the Bill has been drawn. I strongly believe that some forms of corporal punishment should be retained. Especially I believe that we should retain on the Statute Book the punishment of whipping. There are several other forms of so-called corporal punishment to which the Attorney-General has referred in his explanation and which I agree should not be used; I should be happy to see them go. I believe strongly (more strongly, indeed, because I think that the evidence is greater) that corporal punishment by whipping is a deterrent to the commission of crimes, particularly crimes of violence and some sexual crimes. Therefore, I believe we should retain this punishment on the Statute Book.

There is in South Australia a silk who practises extensively in the criminal jurisdiction, who is well known to many members (certainly to the Attorney-General and me) and who strongly supports the retention, I think, both of capital punishment and corporal punishment because, from his experience, he knows that there are criminals in Australia who say, "For heavens sake, keep out of South Australia: it is a whipping State." They do not come here for they are afraid of having this penalty inflicted on them. I believe that this person is right in holding that opinion.

Mr. Clark: When was anyone whipped?

Mr. MILLHOUSE: That is not the point.

Mr. Crimes: It might be for criminals.

Mr. MILLHOUSE: No. The point is that this penalty may be inflicted in South Australia; its very presence on the Statute Book deters some criminals in other States from coming here. I do not know by what stretch of twisted logic the member for Elizabeth is saying that, because the penalty has not been imposed for some time, it should therefore be abolished. To me that does not follow for one moment.

Mr. Clark: I didn't even say it.

Mr. MILLHOUSE: That must be what the honourable member was saying, judging from his interjection; no other inference can be drawn from it if it has any meaning at all (and I hope I am charitable enough to concede that, as a rule, the honourable member's interjections do have some relevance).

Mr. Clark: I wish I could say the same for you.

Mr. MILLHOUSE: There is the old schoolmaster coming out again.

Mr. Clark: One thing being a schoolmaster taught me was how to deal with childish remarks.

Mr. MILLHOUSE: I have noticed over the past 16 years that the honourable member has prided himself, not always rightly, on this ability. That is by the way.

The SPEAKER: Order! The honourable member must refer to the Bill.

Mr. MILLHOUSE: I was sorely tried and diverted by the honourable member from what I was saying. I have stated what I believe to be the crux of my position on the matter: I believe whipping is a deterrent and should be retained. Unhappily, there are some people to whom no other appeal, except through their hides, is possible. That is a hard thing to say. Although not many people are like that, there are some in respect of whom this is the only real punishment that can be inflicted. I guess we will see from Labor members the same sort of performance as we saw in relation to the capital punishment legislation. They say it is a social question but, even though they say that, because they have a plank in their platform about it they are bound to follow that plank, whatever their personal views may be. Unless it was altered last year, I notice that this plank of their policy refers to the abolition of capital punishment and flogging. Although there can be no doubt about what is meant by "capital punishment", I do not know what "flogging" means. It is an emotive word. Although it does not exactly cover all the forms of corporal punishment in the Bill, no doubt it will be used as a guide by all members opposite, whereas members on this side have a genuine free vote on the Bill.

Although I do not know, I do not expect all members on this side will support the view that I take of this. There is no need to speak at great length. As I say, I believe the principle of corporal punishment should be retained in the form of the ability of our courts to impose whipping. Therefore, I must oppose the Bill to retain that, although the Bill refers to other forms of corporal punishment that I should be happy to see disappear from the Statute Book.

Mr. McRAE (Playford): I support the Bill, as I supported similar legislation introduced last session. On that occasion, I gave a great many reasons to demonstrate the strength of the arguments behind this move. It is not merely a question of looking at the Labor Party's policy and judging from that whether the measures contained in the Bill are right: it is also a question of looking at the great amount of scientific evidence that is available from criminologists, sociologists and lawyers in the field as to the effect that corporal punishment can have. As in the case of capital punishment, as I see it the only justification for corporal punishment can be that it is a deterrent to offenders, and I do not believe that corporal punishment is a deterrent to offenders. Rather than any penalty that may be imposed on them I think that fear of detection is a deterrent. Therefore, in my remarks I will try to deal with several topics which are related to the Bill, which support it and which go to the general conclusion that nothing is to be gained by retaining the existing legislation and that everything is to be gained from its abolition.

[Sitting suspended from 6 *to* 7.30 *p.m.]*

Mr. McRAE: Before proceeding, I think I ought to distinguish between corporal punishment as it is imposed by the courts and corporal punishment as it is imposed in the home and in the schools. There is obviously a difference between the two, and the difference lies in several things. I believe that, in the training of a child or other young person in the home or in the school, there are occasions from time to time when corporal punishment is justified, but there are striking differences between that and the imposition of corporal punishment by the courts.

The first difference is that corporal punishment is imposed on the child or other young person by the person who has detected the offence. It is imposed by a person for whom the child or other young person has affection, and it is imposed immediately. Furthermore, except in those cases where the parent, guardian or teacher acts excessively, wrongly, or cruelly, there is every chance for reconciliation within that environment. That is far from the case in the law courts.

Corporal punishment, as with capital punishment, is a hangover from our old code on criminal law. Currently, if I may cite an instance, the criminal law requires that, in the laying of complaints or informations, the occupation of an offender be stated, and this is something that the newspapers and the news media generally rather like, because, if the occupation of the person is stated, what is in reality a trivial offence can be exploded into great news value. If I may take one example, I remember an occasion on which a professional man was charged with driving without due care. He duly pleaded guilty. He was one of about 40,000 others, I suppose, in that year who pleaded guilty, but he was the only one who was subjected to page 3 treatment in the *News,* and the reason was, obviously, that his occupation was stated.

The only reason that I can ascertain why his occupation was stated, is that, under the ancient criminal law of England, a person's rank in society determined not only what court would deal with him but also the range of punishments that could be inflicted on him. So, if a person was a lord, a gentleman, or a commoner, the courts that could deal with him in relation to charges were determined and, according to his status and rank in society, so did his punishment vary. That is an example of the way in which something in the status of an earlier society that did have some validity in its life has been carried through into our criminal law and has been used unjustly. The same sort of analogy applies in relation to whipping, flogging and birching. This is a hangover from the days, if I may use the American expression, of cruel and unusual punishments, because it was not just whipping, flogging and birching that were permitted by English law: among other things, torture, mutilation, the rack, the stocks, and the pillory were permitted. All those things, which had no effect whatsoever on the crime rate at the time, were dropped as forms of punishment, because they were obviously not achieving their result; all they did was to degrade the offender further.

One of the arguments put forward regarding this aspect of corporal punishment (namely,

the deterrent aspect) is to say that there are certain instances where the common findings of the sociologist and the criminologist will not apply, and the one that is often given is that of the long-term prisoner who, because of frequent breaches of prison discipline, has lost all his parole opportunities, and no other form of discipline (so it said) is available but the lash. That is an obvious *non sequitur,* as the history of this country shows, because if any country has had experience of dealing with convicts it is this country, in line with the United States of America. Members know that, in the early days of Australian history, convicts who had exhausted all other conceivable forms of punishment were dealt with by the lash, and this had no other effect than to brutalize them further.

The men who were further punished by the lash, all other punishments having been exhausted, were the very men who broke out of custody and inflicted further crimes on the community or, if they did not break out of custody, inflicted further crimes of brutality on their captors. In view of the comments made that "flogging" is an emotive word, it is necessary to set out just exactly what happens when a prisoner is whipped or birched under our current system. Taking an extract from the Howard League for Penal Reform Report, of October, 1961, I quote the practice when the order is made, as follows:

A prisoner who is to undergo corporal punishment is strapped to an apparatus, known as a triangle, which is best described as a heavier and more solid form of an easel used to carry a blackboard in a school room. His feet are strapped to the base of the front legs of the triangle. If the cat is to be administered, his hands are raised above his head and strapped to the upper part of the triangle. If he is to be birched, he is bent over a pad placed between the front legs of the triangle, and his hands are secured by straps attached to the back legs of the triangle. In both cases he is screened, by canvas sheeting, so that he cannot see the officer who is administering the punishment. The birch is administered across the buttocks, on the bare flesh. The cat is administered across the back, also on the bare flesh, so that the ends of the tails fall on to the right shoulder blade. When the cat is to be administered, a leather belt is placed around the prisoner's loins and a leather collar round his neck, so as to protect these parts from any injury which might arise from a misdirected stroke.

Both the governor and the medical officer of the prison must be present throughout the execution of a sentence of corporal punishment. The punishment is administered by a prison officer selected for this purpose by the governor of the prison . . . The officer receives a special allowance . . . for this duty. The strokes are delivered at deliberate intervals; the normal rate is not faster than 10 or 15 strokes a minute, the time being counted by the chief officer . . . The medical officer stands in a position where he can see the prisoner's face, and he has a complete discretion to stop the punishment at any time, if he considers that on medical grounds it is undesirable that it should be continued. If a punishment is so stopped, the remainder of it is remitted. At the conclusion of the punishment, local dressings are applied, and the medical officer gives any other treatment which may be required. In practice, it is only on very rare occasions that the prisoner needs any attention from the medical officer; and there have been very few cases in which he has not been able to walk back to his cell without assistance.

That is a fair and objective report of the method used to impose corporal punishment in prisons. In reply to a comment made by the member for Mitcham, if that is not flogging, I do not know what is. "Flogging" obviously has an emotive context, because it is a vicious and cruel word used to describe a vicious, cruel and useless action on the part of society. That is a description of what happens when an order is made. I am the first person to admit that only in very rare cases in the past few years has whipping been ordered on adult or juvenile offenders in our courts; certainly that is so in the case of adult offenders. One of the reasons is that the Judiciary has been very loath in this and in other States to participate in an order that will lead to consequences such as I have described. Furthermore, the Judiciary is very loath to indulge in the kind of bargaining that goes on once whipping forms part of our penal code.

I have represented prisoners who have asked me to put to a court that their sentence should be reduced on the basis that they volunteer for a whipping. Although I have been disgusted at attempting to carry out those instructions, I have been bound to carry them out because, under the cruel and ineffective laws of the moment, that was an avenue open to the prisoner. I do not recall a case in which a judge was prepared, certainly while I was present, to accept such an argument, but it shows the degradation to which this kind of punishment leads not only in the community but also in the law courts themselves. There can be no argument that corporal punishment can be a deterrent to offenders. This matter has been carefully investigated by a number of committees in Great Britain. It may be of interest to members to know that as long ago as 1861 corporal punishment was generally abolished in Britain. After that

year it remained only for males convicted as incorrigible rogues under the Vagrancy Act, 1824, for the shooting of the Sovereign, for instituting certain actions against an ambassador or his servants, or for the irregular slaughter of horses and cattle. In 1863, the Garrotters Act restored corporal punishment for garrotting and for robbery with violence. In 1898 it was extended to male persons convicted of living on immoral earnings or soliciting for immoral purposes, and in 1912 for procuration.

At no time since 1861 in Britain has corporal punishment been available as a judicial punishment for offences of violence and sexual offences. Again, if I may quote from the Howard League's document, I should indicate that in Britain in 1960 the then Government asked a distinguished committee to inquire whether there were any grounds that would justify the reintroduction of corporal punishment. That committee found this:

The reintroduction of judicial corporal punishment could be justified only if there was a reasonable assurance that it would substantially reduce crime and afford real protection to potential victims. We think that there cannot be any such assurance. There is no evidence that corporal punishment is an especially effective deterrent either to those who have received it or to others. We recognize that in a limited number of cases the sentence of corporal punishment would deter both the offender who received it and other potential offenders; but the same could be said of many forms of drastic and severe punishment which have long since been abolished as affronting the conscience of a civilized community. We are not satisfied that the numbers likely to be deterred are sufficient to justify the reintroduction of a form of punishment that has the manifold disadvantages discussed elsewhere.

The conclusion of that very distinguished committee corroborates exactly what I am saying. In the past, under our penal law and criminal law the most revolting forms of punishment were available. I have listed some of them—the rack, the stocks, the pillory, torture, mutilation—and all of them achieved nothing. Because they achieved nothing, they were removed from the Statute Books.

So, too, was corporal punishment removed, because it had achieved nothing. It was removed virtually from the Statute Books in Britain in 1861. Indeed, as long ago as 1833 a Select Committee of the House of Commons advocated the same thing. The same has been experienced in America, and I think it is fair to look at the situations both in the United Kingdom and in the United States of America as being the fairest guides of analysis in a situation like this. First, they fundamentally have similar forms of Government to ours, unlike our European and Asiatic cousins. Secondly, they have the same forms of work and home life in the community as we have. Indeed, in America they tend to have the same patterns of crime in communities of the size of Adelaide or other Australian capital cities as we have. On many occasions the American authorities have sought reports of select committees and other committees composed of eminent sociologists and criminologists to determine whether anything could be gained from continuing this form of punishment. The authors of one such report referred to the report of the British select committee to which I referred earlier. In summary, they said:

It is necessary to say something here about the popular notion that juvenile delinquency could be controlled if sterner and more afflictive penal methods were employed. In fact, the available evidence lends no support to this theory. Credulity, however, is not confined to the advocacy of methods when evidence of efficacy is conspicuously lacking; it extends even to a cavalier disregard of counter-evidence when that is available. Nowhere is this more apparent than in relation to corporal punishment, which is still used as a penalty in a number of countries. Despite the overwhelming evidence regarding the ineffectiveness of corporal punishment presented in two celebrated English reports—*Report of the Departmental Committee on Corporal Punishment* (1938) and *Corporal Punishment: Report of the Advisory Committee on the Treatment of Offenders* (I960)—the belief that it is a uniquely effective deterrent persists and acts as a spur to recurrent agitation in its favour. It is very commonly recommended as an appropriate punishment for those guilty of crimes of violence, although the idea that to employ violence ourselves is the best way to teach the lesson that violence is wrong is curious, unsubstantiated and, on the available evidence, quite mistaken.

This is not to say there is anything to recommend the antithetic notion: that psychology or psychiatric treatment would solve all penological problems. This, too, has no support in factual experiment. As a matter of fact, the amount of experimental work done on the effects on offenders of punishment of any kind is extremely limited. This is part of the explanation for the enthusiastic advocacy of various correctional techniques as universally potent modes of treatment for what is wrongly regarded as a single specific condition. Yet *prima facie* the idea that the vast, undifferentiated, heterogeneous mass of offenders will somehow miraculously respond in an identical fashion to one and the same type of treatment, whether it be physical punishment, stringent discipline, or psychotherapy, is extremely implausible. Clearly, we should seek to develop specialized forms of treatment for limited groups of offenders. Such measures as are

introduced should be kept under constant review and subjected to careful empirical examination designed to evaluate their effectiveness.

Those comments were made by a distinguished American author. The overwhelming conclusion is that the onus is on those desiring to retain corporal punishment to show that it has some form of effectiveness. Certainly, it has no reformative effect as a judicial order. On the evidence, it has no deterrent value to the offender nor has it any deterrent value to others in the same position. There is no evidence that there are special circumstances in which, notwithstanding all I have said, it may be unavoidable: for example, in the prison circumstance. I well know that, as with capital punishment, it sometimes happens that at the time of the introduction of a Bill, whether in this place or at the time it reaches the other place, there may be a horrifying offence committed that will lead to a public outcry for sterner measures. This style of emotive response to certain offences is no way of dealing with the problem at all.

Some years ago Mr. Justice Rapke of the Victorian Supreme Court had before him one of the most serious offences ever committed in Australia. This offender had been guilty not only of robbery with violence but also of a string of other offences including rape, sexual assault not amounting to rape, and molestation of young children. In the light of the famous case of O'Meally, Judge Rapke had occasion to consider whether he ought to order a whipping. Before he did so, he took the proper step of seeking advice first from an officer of the Department of Correction in Victoria, and secondly from a psychiatrist. Both officers were unanimous in their view that it was extremely unlikely that a whipping for that offender, as bad as the offence had been, would do anything to stop him in future, and it was extremely unlikely that it would do anything to stop anyone else in future. Judge Rapke acted accordingly. He took the onus of proof as being the one that I am putting forward. If a person says that corporal punishment is justified, unless he is prepared to take the stand of refuting the overwhelming mass of evidence accumulated throughout the world, the onus is on him to show that his stand is justified.

There is no validity in the approach of saying that corporal punishment is justified in certain cases as distinct from other cases. The plain fact of the matter is that wherever a survey has been conducted into any offence, whether an offence of violence, a sexual offence or any other offence, it has never been shown that the infliction of corporal punishment has led to any better result. In fact, the evidence surprisingly is to the contrary.

Where surveys have been carried out, the results have been that, if anything, those not subject to corporal punishment have tended to show a better result in the long run. If people disregard the overwhelming mass of evidence in this area in a way in which they would not disregard an overwhelming mass of evidence from equally qualified experts in, say, the medical or engineering fields, there must be something behind their reasoning. I believe that, lurking behind this philosophy, there is a symbol, which I think is reflected in some (I am glad to say not many) speeches in this House and in many speeches in another place. There is a belief that in this State we should still lag behind in the nineteenth century, and the fact that we have capital and corporal punishment on our Statute Book is a symbol that conservatism still lives. That is a goad to the Labor Government. It is a goad to those in the community who want reform, so I make the serious charge that there are some people in this place and many in another place who wrongfully and wilfully disregard all the evidence that I have referred to, merely to maintain a symbol of conservatism, and that is shocking and disgusting if it is true.

It is not enough, however, to show that corporal punishment has no reformative or deterrent effect, and it is not enough merely to refer to the symbol that I have referred to, although I believe all those things to be true. I must go further and show the positively harmful effects of corporal punishment, so as to further downgrade the case of those who would say that it had any effectiveness at all. First, I refer to the degradation of the punishment. This is an obvious degradation. It is a degradation of the prisoner subjected to it and of the guard or other person who has to carry out the punishment.

No member here who has read even moderately widely could fail to note that there is a very significant sexual symbolism in whipping, and it is quite clear that those persons who have sexual deviations quite often indulge in whipping, and the inflicter of the whipping is known as a sadist and the victim is known as a masochist. Not only in this State but also in other States, when someone must be called on to open the trap door to drop and hang

a man or to bring out the cat to flog him, normally one must go outside the prison officers to find such a sadist, and it is disgusting that our society actually pays for the services of a sexual deviant to impose the disgusting punishments to which I have referred.

Furthermore, there is an even more harmful thought behind this. Some of our prisoners, as I have indicated, actually delight in the prospect that they may have a whipping and, therefore, it is an equally disgusting thought that we should be publicly parading this sort of potential deviation under the mask of punishment. Because the inflicter of the punishment is a degraded person, usually he must hide from any decent human being, because he is a sexual deviant and a person who cannot show himself in the light of day. Not only does that person degrade himself (if he can degrade himself any further) but the victim is degraded, and we are all degraded by the mere sight of it.

I go further and say that not only is whipping ineffective but it goes the other way and makes the prisoner more dangerous. I say it is positively harmful. In one speech in another place that I have read, continual references were made to the fact that members on this side had referred to scientific reports compiled throughout the world. I gathered from the speech that there was something wrong with that. However, I should have thought that was the most effective way to deal with the problem. Nevertheless, the person making the speech thought some comment ought to be made from personal experience in this State.

If that is the case, the present Attorney-General, the previous Attorney-General, and I, a lawyer practising in this field, well know that there are indeed many cases where the infliction of corporal punishment has had the very reverse effect. It has turned a person who started off as being a minor offender into a hardened criminal. It is the same sort of thing that used to go on when the McNally Training Centre was the Magill Reformatory: a lad was sent there as a relatively innocent minor offender, but by the time he left he was a well-trained young criminal, and the reason was that he was hardened. He was brutalized and degraded, by those with whom he had to deal. He was brutalized and degraded, because he was treated in a prison atmosphere, and this happens particularly in the case of young offenders. It certainly hardens adult offenders, but it is even worse in the case of a juvenile offender.

I have never been more sickened in my life than when we had a period in the Juvenile Court when one of our magistrates, who had the temerity to say he was an expert on juvenile offenders, ordered birchings either by officials of the Police Department or by parents. What a disgusting and humiliating thing! Every legal practitioner who had anything to do with the Juvenile Court as then constituted (I hope it will not be constituted that way much longer) realized that this was totally ineffective; it gained nothing. Therefore, I say that, far from being effective in any way, corporal punishment is quite harmful. As in the case of capital punishment, one must not forget that this punishment is cruel and unusual, because of the delay.

Unlike the home environment, where the corporal punishment is inflicted in a moderate fashion by a person known to the offender (if I can use that expression for the little girl or little boy who has done something naughty), the person awaiting his whipping or flogging has a considerable period of great anxiety indeed. Every member here of any humanity (of course, I class every member here as humane) would well know that, when capital punishment was administered in South Australia, any decent member of society would look at his watch in horror when he saw the hour of, say, 8 o'clock approaching, knowing that a man was going to his death as a result of a premeditated series of actions.

On a lesser scale, the same applies to corporal punishment: the offender well knows that at a certain time a punishment is to be inflicted on him. It is a punishment that is extremely painful. Because of the measures taken and because of the steps that I outlined earlier, it is no longer as physically harmful as it once was, but it is certainly physically painful, and the person concerned well knows for a week, two weeks, three weeks, or even a couple of months (if other legal proceedings are pending), that, at a certain hour of the day on a certain day of the week, the lash is to descend on him; and that is a cruel additional punishment of anxiety to impose on anyone.

Finally, in the whole context of modern penal methods and of the standard of dignity that people accept today, this form of punishment is quite abhorrent. The shackles, handcuffs, amputations, brandings, and the other horrible punishments to which I have referred, have all gone, but this punishment remains. It is something out of line with our methods of penal reform and it is something that ought

to be removed forthwith. If offenders are to be stopped, the emphasis should be placed on police detection. If the offender fears detection, that is the most likely thing to stop him from committing his offence. Alternatively, he will be a person who will commit the offence whatsoever: he is such a psychopath that no form of deterrent, fear of police detection or anything else will stop him.

In addition to being completely against our modern methods of penal reform and against all the things that this Government and other Governments have attempted to introduce in our prisons for adults and at times for juveniles, it is against all human rights. The Universal Declaration of Human Rights itself states:

No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

I cannot think of anything, apart from capital punishment, currently on our Statute Book that is more cruel, inhuman or degrading. It is worse than that: it is totally ineffective and leads to more harmful results. I can imagine it is conceivable that one could find an argument that, in circumstances such as a civil uprising or a gigantic civil disorder, the State ought to retain the right to capital punishment. I acknowledged that in my previous speech, but I have found no evidence from any source to show that there is any justification for keeping corporal punishment on our Statute Book. Anyone who supports the retention of corporal punishment has refused to have regard to the evidence that has been collected throughout the world or to make a proper study of it. I hope that the House will support the abolition of this cruel, useless, vicious and outdated punishment.

The House divided on the second reading:

Ayes (22)—Messrs. Broomhill and Brown, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hudson, Jennings, Keneally, King (teller), Langley, McRae, Payne, Ryan, Simmons, Virgo, Wells, and Wright.

Noes (18)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Rodda, Tonkin, Venning, and Wardle.

Majority of 4 for the Ayes.

Second reading thus carried.

Bill read a third time and passed.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

Adjourned debate on second reading.

(Continued from August 10. Page 646.)

Mr. HALL (Leader of the Opposition): I support the Bill. One would not deny a proper and just reward for those who serve the State in the highest positions of the Public Service. For that reason I believe that all members will support the Bill, although it draws attention to the inflationary spiral from which the community is suffering today. The Bill indicates that there will be continuing cost pressure on those in the community who do not have automatic salary adjustments to cope with rising costs and prices. It indicates, too, how far above Mr. Average are those in the community who have high positions. It is sobering to divide the sum of $3,000, which is the annual income of many South Australians, into the sum of $20,000, which will be about the salary of some of the officials referred to in this Bill. It is hard to understand why the ratio of incomes should be about one to six. However, no doubt further Bills of this nature will be introduced, because Australia, particularly South Australia, is in the grip of an inflationary spiral that is led by this Government.

I refer the House to the Budget, which shows that total expenditure in South Australia will increase by 17.3 per cent at a time when physical productivity is increasing at the rate of about 3 per cent. Obviously this is a case of Australia's trying to do in monetary terms what it cannot do in physical terms. Under the Bill certain officers will receive huge increases, but they will get little benefit because the imposition of Commonwealth taxation will ensure that little indeed remains in their pockets. As I have said, one cannot oppose the Bill; one can only deplore a situation which is so loaded against certain sections of the community. The rural community has no way of increasing its rewards. It is in dire trouble, as members on this side know from their contacts with farmers. Many people are being forced to leave the land. On the other hand, other sections of the community are able to receive automatic (more or less) increases in salary. I commend these officers, who have served South Australia well. The State is extremely fortunate to have the type of public servant that it has had over the years. I hope that this standard will always continue, as South Australia is better for it. I support the Bill.

Mr. McANANEY (Heysen): I support what the Leader has said about inflationary pressure, of which this Bill is one example. No-one has a higher respect for public servants than I have, but costs are increasing throughout Australia. I do not blame any one section of the community for it. I have recently been in Asian countries. Only eight days ago a man I was to meet was delayed while he spent one hour feeding information into a computer to find out whether some South Australian product could be sold in Singapore after the revaluation of the yen, which gave us that little bit of an edge to undersell the Japanese. Although I do not attack one section of the community, if we can keep our costs down we have a wonderful future as a State. Even in Singapore people are prepared to pay slightly more for Australian goods than for Japanese goods.

The SPEAKER: Order! The honourable member must speak to the Bill.

Mr. McANANEY: I would have been finished in another minute.

The SPEAKER: This Bill relates to certain public servants and has nothing to do with other matters. The honourable member must confine his remarks to the Bill.

Mr. McANANEY: Whenever a member says something intelligent in this House, he gets cut down. In Singapore people are prepared to pay more for our goods than for Japanese goods.

The SPEAKER: Order! The honourable member is out of order in referring to prices paid for goods.

Mr. McANANEY: I wish it was your decision and not the result of someone else's telling you what to do.

The Hon. D. A. DUNSTAN (Premier and Treasurer): It is essential that Public Service salaries in South Australia be commensurate with those which are generally established in the community for comparable work loads and areas of responsibility. The Leader has suggested that there should be some reduction in salary differences between those who are at the highest level of remuneration for professional services and those who are on the lowest wage level in the community. Inevitably, in our community provision must be made for incentives, and I was interested to hear the Leader suggest that incomes at the higher levels should be scaled down to a level nearer to equality with the generality of incomes in the community than they are, because this is something that I had always considered, because of what he had said previously, he did not believe in. I have, on many occasions in this House, heard the Leader attacking members on this side for wanting to level people down, in contrast to the stated attitude of members opposite of bringing people up. If the Leader wants to reduce the higher levels of income, of the reward for specific services, and bring them closer to incomes generally in the community, and if it is the policy of his Party to redistribute income in this way, I hope he will join members on this side in supporting the taxation measures that are designed to achieve that result.

Mr. Hall: You are deliberately misconstruing my remarks.

The Hon. D. A. DUNSTAN: The Leader cannot have his cake and eat it too. If he believes that income at the higher levels of reward in this community should be reduced, that should apply right across the board.

Mr. Hall: The Deputy Premier knows much more about it than you do.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: Apparently, the honourable member is suggesting that one must reduce incomes for work reward, in order to bring them closer to present-day rural incomes from property.

Mr. Hall: No. You had better get back to your Deputy. He understands it.

The Hon. D. A. DUNSTAN: I am sure he does.

The Hon. J. D. Corcoran: The Premier doesn't need my assistance, I assure you.

The Hon. D. A. DUNSTAN: I am sure that the Deputy Premier knows the line I am taking. He was muttering a great deal during the Leader's speech for the same reason as I was, because the Leader said, "These fellows to whom we are awarding this are very good chaps and one must admit that they have to have some assistance, but one feels uneasy that they are getting these rewards when other people in the community are not and, therefore, I am unhappy about it, but I will vote for the third reading." Precisely what kind of three bob each of five ways business that is, I do not know.

Mr. Hall: Come on, the cameras are off.

The Hon. D. A. DUNSTAN: The Leader may go on with his usual nonsense about my acting ability. I admit it. However, it so

happens that, whatever the histrionics of the occasion, I do happen to mean what I am talking about.

Mr. McAnaney: You know what you can do.

The SPEAKER: Order! I hope that the Premier does not start to comment on what the member for Heysen has said, because I would have to rule him out of order if he did.

The Hon. D. A. DUNSTAN: I appreciate that, Mr. Speaker. That would lead me into a whole series of irrelevancies. The Leader has added his usual bit this evening, trying to be all things to all people, but I do not think he was very successful. If he believes that these public servants should have rewards at a level commensurate with those in the community who are required to have the same expertise, to carry the same workloads and to bear the same responsibility, he should vote for the Bill. If he intends that that should not happen in this community and that there should be a reduction in general levels of income from all sources, not only from work but also from property, to equalize the rewards in the community, I hope he will do more to support the policies of this Party in equalizing incomes and redistributing them to the poor in this community than he has done so far. All I have ever seen from the Leader or members of the Opposition is that they act as Robin Hood in reverse: they take from the poor to give to the rich.

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

JUVENILE COURTS BILL

Adjourned debate on second reading.

(Continued from September 1. Page 1309.)

Dr. TONKIN (Bragg): I support the Bill with much pleasure. Much of the matter contained in it is familiar to me and I am pleased to recall the deliberations of the Social Welfare Advisory Council at the time when its report on which the present legislation is based was brought down. It was for me a reason for visiting various juvenile courts overseas, especially in North America, where I found to my great pride that South Australia was recognized by all authorities as a leader in the juvenile court field. To refresh honourable members' memories, the Social Welfare Advisory Council was requested in December, 1969, by the then Minister of Social Welfare (the present member for Mitcham) to inquire into the working of the Juvenile Courts Act, 1965-1969, and other Acts, such as the Social Welfare Act, 1926-1965, which contain provisions relating to juvenile offenders, for report and recommendation of any changes which may be required, particularly in matters of court procedures and the powers of the court in relation to penalty.

I think that Catherine Helen Spence (I am sorry that the member for Spence is not present, because he has the honour to represent the district bearing her name) had more to do with the establishment of the Juvenile Court in this State than had anyone else. I understand that there is some discussion as to whether Cook county had the first juvenile court or whether South Australia had it; however, I am prepared to believe that we had the first court here. This was the first instance of special legislation which was passed and which concerned particularly the protection and welfare of the child. This legislation has been followed and expanded in almost every country of the world. The spirit of the Act was covered in section 15 of the 1941-1965 Act, which was repealed when the present Act came into operation. The legislation set out the principles to be observed when making orders against children. In making an order against a child, the court was required to have regard to the welfare of the child; this is the absolute basis for the establishment of a juvenile court.

I believe that we have tended to lag behind in South Australia. Although there has been a widespread re-examination of juvenile court Acts in various oversea countries, we have tended to trade too much on our reputation for too long. I was pleased during my visit to North America to find that many of the ideas and suggestions made to us had been incorporated in various centres, but not all of them all in the one centre. But it was good to see many of the suggestions that had been made actually in operation in one or other of the centres I visited. Perhaps it is all to the good that we have delayed in making these changes, because we may benefit by being able to incorporate all of the good aspects into the one Act. Perhaps we will once again lead the world in juvenile court procedure and in the treatment of young offenders; I hope that that will be so. I think that we will be able to incorporate all the best aspects and that our young people will be the better for it.

Our major concern is to treat the child and to consider the welfare of the child, not the crime. There is also a need to protect society, and this need and concern for the welfare of the child and for the protection of society is a very fine balance. If I quote from the Social

Welfare Advisory Council's report. I am sure that members will understand that I regard this as being partly my own work. I pay a tribute to the officers of the department and to other members of the council at that time who did so much work in this regard and who produced the report. I think the report deserves better treatment than to appear in duplicated form on foolscap paper: it could well have been printed and circulated. It has been in demand in other countries and in other centres. I quote from page 2 of the report:

Modern research and practice in the behavioural and social sciences has resulted in a growing social consciousness of the need for treatment and care of children in trouble. However, as in so many questions on social policy, there is sometimes a conflict between the needs of the individual and the needs of society in general. Few people would deny the right of children of tender years to special understanding, protection and, if necessary, treatment, even though they may be involved in offences which are serious and costly. Such children are often doubly vulnerable because of their age and unfortunate social circumstances. However, although the community generally projects the same attitude of tolerance towards older children and young people, there is a balancing factor in the right of society to protect itself against injury and damage. The conflict arises in how far legal sanctions and how far welfare considerations should be applied in dealing with young offenders.

In 1968, the United Kingdom Government produced a White Paper entitled "Children in Trouble" setting out the proposals for new procedures and facilities and for co-ordinating existing facilities for dealing with young offenders and other children. Commenting on the rights of the young offenders and the rights of society, the White Paper states:

Over recent years these two quite distinct grounds for action by society in relation to young people have been moving steadily closer together. It has become increasingly clear that social control of harmful behaviour by the young, and social measures to help and protect the young, are not distinct and separate processes. The aims of protecting society from juvenile delinquency, and of helping children in trouble to grow up into mature and law-abiding persons, are complementary and not contradictory.

I think the members of the council were unanimous in accepting this point of view. The report continues:

However, the problem of delinquency, whether juvenile or adult, is as old as society itself, and no society has yet devised adequate methods of prevention, control and treatment of antisocial behaviour. It is a maxim that society is always changing, and modern society is changing rapidly. If the community is concerned about preventing, controlling and treating delinquent behaviour it must be prepared to approach that problem with imaginative and viable methods and programmes aimed at meeting changing situations. This may mean changes in existing attitudes and practices—

I emphasize "changes in existing attitudes and practices"—

and the evolution of new and experimental programmes, especially where the treatment of juveniles is concerned. New methods may involve additional expense; sometimes experimental programmes may prove unsuccessful. However, if the community approaches the problem of delinquency expecting quick and ready answers at little or no extra expense, then the results will be correspondingly poor. No amount of legislation, standing alone, and no one agency, be it the court, police, welfare services, school or voluntary organizations, or any one type of programme, can hope to solve the needs of all the young people and children who find themselves in trouble in our society. It is important, therefore, that all agencies have a clear understanding of each other's role and facilities, so that the community's work amongst delinquents may be informed and co-ordinated.

Once again, I emphasize the sentiments expressed in that paragraph because they have a real bearing on the report that was brought down last year, at any rate, by the magistrate of the Juvenile Court. There is a need for a greater understanding of different points of view, and I shall have something to say later about the Attorney-General's refusal to release this year's report of the Juvenile Court magistrate. A great disservice to this legislation has been done by its not being released. As I have said, I welcome this new legislation in principle. I welcome as much as anything the inclusion of clause 3, which is important in respect of first offenders. Clause 3 provides:

In any proceedings under this Act, a juvenile court or a juvenile aid panel shall treat the interests of the child in respect of whom the proceedings are brought as the paramount consideration and, with the object of protecting or promoting those interests, shall in exercising the powers conferred by this Act adopt a course calculated to—

(a) secure for the child such care, guidance and correction as will conduce to the welfare of the child and the public interest;

and

(b) conserve or promote, as far as may be possible a satisfactory relationship between the child and other members of, or persons within, his family or domestic environment,

and the child shall not be removed from the care of his parents or guardians except where his own welfare, or the public interest, cannot, in the opinion of a court, be adequately safeguarded otherwise than by such removal.

That is a fundamental principle of the Bill. In the past there has been too great a tendency to take young offenders away from their homes and families and put them into institutions at the very time when they need family support and love. That is one of the drawbacks of the system that has been operating and it is one of the major reasons why a change must be made, particularly in relation to first offenders. It is immediately after their first offence that young people can be best helped back into society to become useful members of it. The practice of removing young people from their homes and family environment can do nothing but further alienate them from society. It is necessary to consider why young people offend because, having considered that, we can gauge the effect of the present system and what will be the effect of this Bill. At present a young person can be charged before the Juvenile Court with stealing apples or soft drink bottles. I suppose that is fair enough, although I should be greatly surprised if no member had ever done something like that. Further, young people can be charged before the Juvenile Court with riding a bicycle on the footpath.

Mr. Harrison: In many places there is no footpath to ride on.

Dr. TONKIN: There may be no footpaths in the wilds from which the honourable member comes, but most parts of the metropolitan area have footpaths, and it is an offence to ride a bicycle on them. One may consider that to be a trivial offence, but young people are being brought before the Juvenile Court as a result of their committing such offences. The whole situation has got a little out of hand. The major reason for offences being committed by young people is that they sometimes, particularly when in a gang or a peer group situation, commit offences without any real thought that what they are doing is strictly against the law. They commit the offences because they have been dared to do so and because they want to remain within the ambit of the gang; they believe they will lose face if they do not do what everyone else in the gang does. In that situation they are encouraged to shoplift and to commit other offences. However, a few juvenile offenders deliberately set out to shock their parents and society in order to draw attention to their problems. They have problems with their parents, other members of their families, their schools, education or with society generally. We have seen a perfect example of this in recent weeks in the juvenile and puerile behaviour associated with the publishing of the latest but one edition of the *Empire Times* where the pure object was to shock the adult community into taking notice of the unfortunate young people concerned. Where they have broken down is that they have not said what the problem is; they have not spelt it out and there has been a lack of communication. This is fundamental: young people find it difficult to communicate. Because of this difficulty and because they cannot draw attention to their problems, they resort to other techniques, which are usually shock tactics.

When a young person comes home after committing an offence (and we can regard such an offence as purely a symptom of insecurity, or of a problem that the child has), he finds that his parents, instead of taking notice of what he has done and asking how they can help him, can think of nothing but themselves and the shame that his action has brought on the family. This child, who has difficulty in communicating at any time, finds that still another barrier has been placed between him and his parents, and he is taken off to the Juvenile Court. If he happens to be the last case of, say, shoplifting heard on a Friday, and if there have been several other cases in that week, he is likely to find himself in the unfortunate position where the Juvenile Court judge or magistrate says, "Too much of this has been happening; you are the thirtieth case this week. I will make an example of you by sending you to McNally for six months, and by publishing your name and the name of the school you attend. I will teach you a lesson; perhaps other young people will learn from what happens to you." I cannot agree with that line of action or thought at all; I think it is basically most unsound reasoning. What is so different about that case and what would have happened if that lad had been the first case of shoplifting heard in the following week? Would he still have gone to McNally for six months? Events such as that which I have described have happened in the past.

As I have said, basically the offence is simply a symptom of what is going on. Is it necessary to bring before the Juvenile Court all first offenders charged with offences such as stealing apples or riding a bicycle on a footpath? I submit that this is wasting the time of the court. Far from bringing a young person back into society, it is likely to do exactly the opposite: it will alienate that young person, who may have had a chance

to fit into society as a useful citizen but who is now left with a grudge against society, against his parents and against everyone else. We see examples of this every day. Perhaps we do not see such extreme examples nowadays as we saw a few months ago when we saw people demonstrate in the streets and carry placards. That is a fairly juvenile way to behave. Although I do not quarrel with a man's right to demonstrate and to carry a placard if he wants to, it is a fairly juvenile form of getting a point across as opposed to more constructive action that can be taken. This is a reversion basically to the juvenile aspect of adolescence; there is a fine balance between maturity and adulthood, and juvenile behaviour.

What can happen to a first offender appearing before the Juvenile Court is that a magistrate may well say to him, "I will remand you in custody for three weeks before I pass sentence." Once again, although many young people have been remanded into the care and custody of the Minister or, in fact, have been discharged, a significant number of them has been remanded in custody and sent to Windana Home, and whatever else we may say about Windana (and I hasten to add that the staff there do the best they can and do an extremely good job), it is nevertheless a closed institution, with a lock on every door and comprising rather spartan accommodation. There is fear at going to the institution all the time on the part of the young person freshly committed there.

I cannot ever agree with remand in custody as a punishment, because this action is a subterfuge. What the magistrate or judge intends by remanding a young person in custody is that a person shall have a taste of what it is like and, in fact, this is a sentence. A remand for three weeks may just as well be a sentence of three weeks' imprisonment. The example sentence that I mentioned before, where an individual is singled out and made an example of, and the suspended sentence, where a young person is given a sentence and this is suspended on condition that he or she be of good behaviour for a certain time, and the remand in custody, must be considered carefully, and I am pleased that that is being done in this legislation.

I remember sitting as a guest of the Juvenile Court in Vancouver while a young girl appeared, charged with shoplifting. She was with her parents and she had stolen a most amazing amount of something like, I think, $300 or $400 worth of goods, and she wore those clothes to school and openly boasted that she had stolen them. This simply points up the fact that she wanted to be caught and that she wanted to be helped in some way. I am pleased to say that eventually she was helped by the social workers of the Probation Department and of the court. However, that judge (and in fact judges sit in most North American jurisdictions) sat on his chair and deliberated for about 11 minutes on the sentence that he should impose. As he told me afterwards, it was a matter of finally giving in and saying that he would not send the child to an institution, because he felt that the parents could not stand the strain any longer. He was not in a position (and he recognized it) to make a special example of that girl. Of course, one of his problems was, as he said, that he knew perfectly well that in the schoolyard a whole group of young people would be waiting for that girl, all standing around and asking what had happened, what it had been like, and whether she had got away with it. The judge was obliged to give the impression that he could easily have broken down and sent that girl to an institution.

At this stage, I must mention the circumstance reports prepared by the Social Welfare Department, and I am sure that the Minister and, indeed, all previous Ministers have been extremely proud of the department in the preparation of these circumstance reports, often under the most severe handicaps and working under tremendous case loads. The present situation, as it applies, is summed up in the report of the Social Welfare Advisory Council. Under the present arrangements, children down to eight years of age may be charged with an offence and have a conviction recorded against them which stands throughout their lifetime. Older children may be involved in one offence, often of a minor nature, as I have pointed out, and convicted. Many children of various ages are prosecuted often for quite minor offences. Several consequences follow. Children may be involved in legal processes that occur well after the time of the offence, and any action of the court seems distant and unrelated. Children may be remanded in custody without bail for up to three weeks, even on a first and minor offence. Numerous officials from the police courts and welfare agencies are involved in the process at considerable expense. Statistics of juvenile offenders are unduly weighted by this type of case and evidence of serious delinquency is hidden.

The present proposals are summarized in Part Il of the Bill, the age here being 16 years. It may be of interest to members to know that juveniles in North America are often defined as being, in the case of males, under the age of 16 and, in the case of females, under the age of 18. Apparently, the tender sex is thought to require help for a little longer than is the case with the male sex. This Part will not apply to a child alleged to be a neglected child. Of course, this is technically an offence, and a child may be charged. But I think it illustrates the position where young people who are neglected children and who are, in fact, committed to the care of the department may be brought into contact with offenders. This is most undesirable, but it has in fact occurred. At Glandore and Seaforth, which are technically institutions where neglected children should be cared for, these young people have come into contact with other young people who have been charged with offences. I believe that, for obvious reasons, these proceedings do not apply to children who have committed homicide.

The following proposals are similar to the general run of events in North America; that is, a child is not charged with a specific offence but is charged with being in need of care and control. Needless to say, some evidence that an offence has been committed is necessary to prove that a child is in need of care and control but, once again, I think it is a most desirable step that an individual offence is not mentioned and used as the basis of a charge. I have said that the offence itself is frequently only a symptom of a deeper and underlying problem. In fact, the Juvenile Aid Panel as it is proposed is concerned with weeding out those young people who have offended merely because they have been members of a group or gang, and it will ensure that further skilled help is available to those young people who offend again and who, by their recidivism, prove that they are indeed in need of help and support (usually skilled help and support).

Briefly, the Juvenile Aid Panel will see any child who admits a first offence. If a child does not admit an offence or if the parents wish it, that child will go to the Juvenile Court in the usual way. Thus, the rights of the Juvenile Court and of the child are protected, because one must remember, too, that the Juvenile Court is also there for the protection of the child.

At page 13 of the report, we see that if a child refuses to come to the Juvenile Aid Panel he goes to the Juvenile Court, anyway. If a child is released by the panel and then offends again, he may be referred by the panel to the Juvenile Court again. This must be borne in mind by those magistrates who, I think unfairly (but I can understand their feelings), have been concerned at the present proposals to establish such a Juvenile Aid Panel. The principle of the Juvenile Aid Panel is based on the kind of early warning system of a good, solid talking to, which a first offender has very often had in the past. It comes down to the sort of summary justice that was passed out in my day by the local constable (I suppose he accepted this duty): a good cuff across the ear, a swift kick, a good talking to and taking home a young offender to his parents and telling him, "Don t do it again" was probably the best thing that could have happened to many of us. I think many honourable members would have had an experience of something like that. As a system, it has worked very well in the past, and I hope it will work again in this new form—a legalized form.

There have been many reports from Queensland, New Zealand and London, where similar systems are in force. There have been good reports from other jurisdictions, such as North America, where similar systems are operating in principle if not in name. Probation officers of the family courts in New York administer the scheme, or it is done through the District Attorney's office. In Toronto, the decision to proceed with a prosecution rests with the prosecutor, who may delay prosecution for one month and apply to the court for a further one month's delay if it seems that the reports on a young offender are promising and that a prosecution will not really be necessary to bring home to the young person the importance of the offence. I do not agree with this, and the Attorney-General will probably agree with me: it is not always desirable to leave the option in the prosecutor's hands. However, the system there works and produces results.

In Toronto, a young person may well be discharged at the end of two months at the prosecutor's discretion, provided that he has the approval of the complainant; and, in fact, the young person may not come before the court at all. I emphasize that the juvenile aid system is not intended to replace the Juvenile Court. This, I believe, is one of the other fears of some people in the community. The Juvenile Aid Panel is intended to supplement the court's actions. The court exists to help the child as well as to protect society, and the panel will help the court in this respect.

I think perhaps it was because of the nostalgic recollection of the local constable and the way in which he administered summary justice, the fact that he induced much respect in young people and, indeed, in all members of the community and that he represented authority in the local area, that it has been suggested that a police officer should now be a member of the panel. I agree with this because it is a very good idea. A police officer represents authority, particularly to the young people, and it would be a good thing to present him not only as a symbol of authority but as a person on a Juvenile Aid Panel who is prepared to advise, help and play a positive role in helping young people in the community. We have seen so many vicious attacks on members of the Police Force in recent times. Attempts have been made to discredit them and to undermine their authority, and I think this is something that could be done to restore the respect of people, particularly young people, for authority and for members of the Police Force.

The panel, in examining young offenders, will take into account every factor it can find. It will talk to schoolteachers and obtain reports from social workers, and it will sit around a table to talk with parents and discuss with them why certain problems have arisen and why young people have offended. Most of the time it will find that not much action is necessary other than the early warning and the talking to. Indeed, figures from overseas and from Queensland tend to show that more than 60 per cent of first offenders, having been spoken to and warned, never offend again, and they become worthwhile, sensible citizens and members of society.

It may be that there should be another alternative. It may be that perhaps members of the Police Force could be assisted in these duties by certain justices, and I intend to take steps during the Committee stage of this Bill to provide, or attempt to provide, for the appointment of justices to juvenile aid panels. But I emphasize again that the aim of the Juvenile Aid Panel is not to replace the Juvenile Court: it is to sort out those young people who particularly need the services of a Juvenile Court, and the object of this legislation is to make sure that a juvenile court will then have all the facilities at its disposal to dispose of young offenders, second offenders, and recidivists with all the expertise that will come as a result of the expert advice it will receive.

As I have said, if a child offends again it usually means that he is in serious trouble. If he has been before a juvenile aid panel, has been advised and helped and perhaps been under the supervision of a social worker and yet he still offends again, he is in serious trouble and needs very much more detailed investigation and help, and in many cases psychiatric and psychological help and certainly detailed social work. For the protection of the child in these circumstances, it is necessary for him to go before a court. I have no doubt that the member for Mitcham will deal with the various aspects of the Juvenile Court changes that are proposed. I welcome the proposal to appoint a judge, for this is a most important jurisdiction. After all, if we are to do this for young people in our society and give them the very best we can, the court is worthy of a judge to administer it. I believe that children's courts, too, should not now be held on the same premises as other police courts; but this continues to occur, and the Juvenile Court is convened in close association with police courts, where people mill and crowd around outside and thus young people may come into contact with various adult criminals.

There are several other aspects that I will mention but briefly. Clause 28 of the Bill provides for the attendance of parents at juvenile courts. It is a very sad comment on our way of life when parents are required to attend when their children are facing a juvenile court. Subclause (6) provides:

> Any person who, having been served with an order under this section, fails to attend a court in compliance therewith shall be guilty of an offence and liable to a fine not exceeding $100.

What a sorry comment on our society and way of life! Yet I know very well that this happens because sitting in juvenile courts one sees young people 10 and 12 years of age standing before the judge or magistrate with no parental support whatever. There are some parents, as I think the Juvenile Court magistrate said in his report last year, who are not worthy of having children anyway, and they could not care less.

Mr. Rodda: But he did not say it in this year's report!

Dr. TONKIN: He may well have done so, but we do not know; and this is a most unfortunate thing. I will refer to that a little later. I do not think the Attorney-General has done his cause any good whatever by failing to release that report. I am most upset about it, because this Bill is very necessary and dear to

my heart, and it is most unfortunate that the Attorney should prejudice it in any way. I have referred to the aspect of remand in custody. It is good to see that, where remand is needed for psychiatric or psychological assessment, it can be made to the child's own home. Having offended, a child is very much in need of help and support; to be taken away and put in a home will serve only to alienate the child further. This is a very good reason why the child should be remanded to surroundings he is familiar with and, indeed, in which he is at home. When I visited oversea centres I saw that remands were made either to the child's own home or, if that was impossible because of terrible circumstances (and they had to be terrible), to a small cottage home or a foster home. Clause 29 (2) provides:

A child shall not be remanded in custody to a home unless in the opinion of a juvenile court— . . .

(d) it is necessary for the protection of the genera] public, or any person or property, that the child be remanded in custody.

Such a situation is very similar to that of some psychiatric cases where, having done all that is possible, psychiatrists must admit nothing further can be done, because the person is so firmly established in a way of life. If a young person has become so completely alienated that society can no longer help him, the second consideration (the protection of the public and public property) is the major consideration. Once again, there is a place for maximum security. For every young person put into the maximum security block at the McNally Training Centre, we are admitting one more failure of the system. However, society must be protected, and it is only by such a measure as this Bill that we will find it less necessary to use the maximum security block. It is very important to assess what is best for a child. The Juvenile Court must be well informed as to the child's background and needs before deciding on his disposition.

The provision of an assessment centre is a very worthwhile and forward-looking step. With the information that comes from an assessment centre, the court may adequately decide exactly what is the best treatment. After receiving a psychiatric report, the court may decide that there is nothing else for it but to lock up the child in a maximum security detention centre or put him in a training centre, or it may decide that he needs psychiatric treatment and nothing else, or it may decide that he needs to attend a day centre, where he can be taught to play a useful part in society. There are so many forms of treatment open that it would be tragic not to exploit all of them. I believe that neglected children must be helped and kept out of institutions as far as possible. The very best form of institution is the cottage home. Indeed, if children can be fostered into a normal family, so much the better. I pay tribute to the members of the Foster Parents Association and others who foster young people, for the love, help and support they give to those children. They give help, support and love that these children would not receive in any other circumstances and certainly not in an institution. Although they receive good care in an institution (and I pay tribute to the people who man institutions), it is impossible to expect that staff to give the individual attention and love which is necessary. Foster parents find themselves in a difficult situation because the love they show their foster children can be a source of great sorrow to them when the foster child moves away. Sometimes this applies much more so than in the case of their own child, who will continue to be their child and will come back to visit them. I think the case of the neglected child is sad. It is a sorry comment on our way of life that some parents should not care about and recognize their responsibility towards their own children.

The SPEAKER: Order! There is too much audible conversation.

Dr. TONKIN: We have only to look at the Seaforth and Glandore homes to see how many of these young people there are, and we have only to look at the list of foster children in the department to see how many non-parents there must be. I thoroughly approve of the item which refers to limiting the publishing of names: I think that is an excellent provision.

I believe the Attorney-General has done a great disservice to the House and to the community generally in not releasing the Juvenile Court magistrate's report. The magistrate is entitled to an opinion, which he has had an opportunity to form after years on the bench and a considerable time in the Juvenile Court. Obviously, he does not agree with the recommendations of the Social Welfare Advisory Council, but he is entitled to disagree if that is his desire. I would very much like to have his report in front of me now so that I could refute and rebut the remarks he has made. It is because of the Attorney's refusal to allow the publication of this report that I am not able to debate this matter fully or adequately.

I want this legislation to pass. As long as there is any sort of suppression that will raise any degree of suspicion in the public mind, acceptance of this legislation will be prejudiced.

Members interjecting:

Dr. TONKIN: The member for Spence represents a district named after one of the prime movers for the Juvenile Court in South Australia.

Mr. Crimes: Aren't I disgusting?

Dr. TONKIN: The honourable member said it, so I will not have to say it. I would like to be able to refer to this year's report of the Juvenile Court, instead of which the best 1 can do is go through the annual report for the year ended June 30, 1970. I will not read it in detail.

Mr. Langley: Wait until tomorrow evening.

The SPEAKER: Order! I warn the honourable member for Unley that he is not allowed to speak when not in his place. Interjections are out of order, anyway, and I will not tolerate his carrying on in that way.

Dr. TONKIN: Thank you, Sir; as I have had great difficulty with the member for Unley in the past, I appreciate your support. In the thirty-fifth annual report, Mr. Beerworth states:

> There are attached to this report schedules indicating the type and number of cases which have come before the court during the past 12 months. It will be seen from a comparison of these figures just what the present trend is.

In fact, the trend is upwards. The trend is always upwards: more people are born; there are more young people; and more crimes are being committed. We are on the up and up, and I am not sure that I like it. I think this is an argument that the magistrate has used that destroys his own conclusions. He goes on:

> I am not particularly happy about a number of matters which have been recommended in the report. I am opposed to a pre-court clinic in all cases, even for first offenders.

Perhaps the magistrate should be reassured. 1 have a great deal of respect for him and for the work that he has done, but perhaps he needs reassurance, because a pre-court clinic could be of tremendous value. Indeed, that is exactly what this legislation sets out to achieve, where the magistrate or judge, or juvenile court, can be told of the circumstances surrounding the child, not the offence. The offence is not important, except that it draws the child to the attention of the authorities. It is the child that is important. The magistrate goes on:

> I feel that too many pressures will be brought to bear on this particular clinic and that it will defeat its own object.

How on earth can it do that? The magistrate also deals with what I consider to be the crux of the matter, when he states:

> I am afraid that it will increase, not decrease, a number of offences which are committed against various Statutes and against the common law, and I am afraid that the court's influence in dealing with juvenile problems will be severely restricted.

I cannot see this, and I think we should have the opportunity to reassure the magistrate that, in fact, the reverse will apply and that, by passing this legislation, we will give a tremendously enhanced ability to the court to deal with young offenders far more adequately and suitably than they have been dealt with previously. The magistrate also states:

> This court now has available to it on a post-court basis the Department of Social Welfare with its psychologists, psychiatrists and other experts, and also the Education Department and the police, and it is my view that this particular clinic, if it can be called such, will be much more effective than the one envisaged by the advisory council.

Once again, I cannot agree. This information must be available to the court before the court makes a disposition of the child. It is a matter of treatment. One finds out the cause of a disease and treats the cause, not the symptoms. Otherwise, we would be getting back to the Middle Ages again. The magistrate continues:

> I am also concerned about the council's recommendation that no short-term committal be introduced.

I cannot agree with that. I think that simply starts young people on the road to alienation and it is hard to get them back again. The magistrate goes on:

> It is very disturbing to the Juvenile Court magistrate to find so many girls and boys who have been committed to institutions on a number of occasions repeatedly coming before the court on the same type of offence which caused the original order of committal.

Surely this points up the complete deficiency in the present system. If young people keep on coming back, we are not treating them very well. The magistrate also says that he is opposed to the suggestion made in the council's report that arrangements should be made for magistrates and other officers of the Juvenile Court to receive special training to enable them to fulfil their duties towards the protection and the welfare of the child in an informal and effective manner. He states:

> To my mind, practical experience on the bench, following practice at the bar, is far more valuable for a Juvenile Court, or indeed

any other court, than any knowledge gained in an "academic setting". This has been demonstrated time and time again.

I would be grateful to find out where and how it has been demonstrated, because I cannot see that any study of sociology can possibly hurt any officer of the Juvenile Court: it can only add to his effectiveness. The magistrate also states:

Another problem which is by-passed by this report is the case of the persistent offender, particularly the boy in the 16-18 age group, who comes before the court frequently. He is unrepentant, is obviously in contempt of the law and of those who administer it and interpret it. What good is institutional training to him? A complete waste of time, money and energy. He is committed and then absconds without trouble, and can almost be seen to laugh when he is told he must be detained during the balance of the period he is a State ward, the practical effect of which is that he suffers no additional punishment.

Once again, there is unfortunately no doubt at all that there is a place for detention. As I have said, every young person committed to this sort of detention is a failure in our society system, and we must recognize it as such. But we are not saying in this report (nor are we suggesting in this legislation) that young people will not be detained in this way. As certain young people, unfortunately, will have to be detained, I believe that the magistrate can be reassured on that score. I thoroughly agree with the following part of the report:

It is to be regretted that there are some parents, and the number is disturbingly high and increasing, who take little interest in the moral well-being of their children. This is something that is left largely to the schools, but when things go wrong these parents are often the first to attribute the blame to the school. Children of this type of parent are not slow to follow the example set.

I echo and support those remarks. As I have already said several times, some parents should never have been allowed to have children.

In conclusion, I must also read what the magistrate says in his last sentence, namely:

I am very conscious cf my responsibility as Adelaide Juvenile Court Magistrate, and this report is submitted in that light.

I believe him, and I have much respect for Mr. Beerworth and the work he has done. He has done much work in the Juvenile Court jurisdiction, and I think he has the respect of all members of the legal profession and of members of the public. However, I believe that his ideas are not entirely up to date, and I wish that perhaps he had had some instruction in or some knowledge of sociology. I believe that there is some sort of case to be made out for having magistrates who are both social workers and who have been trained in the law. I hope this will come about, because it can do nothing but extend the understanding of the problems of young people.

I again appeal to the Attorney-General (because there is still time) to release that report; it will do no harm to the case that is being presented; it can only do harm to this case if the report is not released. I believe that the magistrate must be entitled to put his point of view, whether or not we agree with it, and then it is out in the open and we can, as I have said, refute it or explain it, and perhaps reassure him and members of the public. I sincerely trust that perhaps the member for Playford will reason with the Attorney-General and that perhaps members of the Cabinet will reason with him. We must have the report out in the open. I support the Bill; I am pleased indeed to see that it is finally here, and I look forward to its early implementation.

Mr. McRAE secured the adjournment of the debate.

ADJOURNMENT

At 9.40 p.m. the House adjourned until Wednesday, September 29, at 2 p.m.