HOUSE OF ASSEMBLY.

Thursday, October 18, 1962.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS.

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

Appropriation (No. 2),

Metropolitan and Export Abattoirs Act Amendment.

QUESTIONS.

PARLIAMENTARY DRAFTSMAN.

Mr. FRANK WALSH: During the Budget debate I advanced what I considered to be a good case for the appointment of an assistant to the Parliamentary Draftsman and the Assistant Parliamentary Draftsman. Weight was given to my suggestion by comments made in another place yesterday about the drafting of certain legislation that had been passed by this House. Has the Premier considered this matter and does the Government intend to make such appointment?

The Hon. Sir THOMAS PLAYFORD: At the moment our problem is to deal with legislation already drafted rather than to have more drafted. In fact, we have stored up a prodigious amount of legislation awaiting consideration in this House. However, I am examining the question whether it is advisable to secure another draftsman and ascertaining the possibilities of getting a competent officer. The honourable member is probably aware that competent Parliamentary draftsmen are hard to get and it would not be only a question of authorizing an appointment; it might be some time before a competent officer could be made available. I will give the honourable member further information on this in due course.

WHYALLA BRIDGES.

Mr. LOVEDAY: Has the Minister of Works a reply to my question about the Whyalla bridges?

The Hon. G. G. PEARSON: My colleague, the Minister of Roads, informs me that a request for plans has not previously been received from the Whyalla City Commission. However, plans of both bridges are being forwarded to that body.

NARACOORTE HIGH SCHOOL.

Mr. HARDING: I understand that six months ago a contract was let for work on a second playing area at Naracoorte High School and I understood that it would be completed within a month. The school council is disappointed that the work has been so prolonged as it expected this oval would be ready for planting during this month. Can the Minister of Works say what is the present position?

The Hon. G. G. PEARSON: It would appear from the report furnished to me that at least there is one area in the State this year that has not suffered from lack of rain—and that would be the honourable member's district. The report I have is as follows:

The contractor engaged for the preparation of a second playing area for the Naracoorte High School (Mr. R. E. Mewett) advised the Assistant Construction Manager of the Public Buildings Department on October 9 that the works had not been completed due to inclement weather and exceptionally boggy conditions. The contractor's equipment was on the site for 14 days prior to October 9 and, during that period, Naracoorte registered approximately 460 points of rain. Weather permitting, the contractor will endeavour to complete the work before the end of this month.

ELECTORAL PENALTIES.

Mr. MILLHOUSE: My question relates to the penalties provided in the Electoral Act. My attention has been drawn to a report in the *Advertiser* of October 11 of the remarks of Mr. Hunkin, S.M. that he considered that the minimum penalty of 10s. and the maximum penalty of £2 for failing to vote were inadequate and that it was time they were reviewed. Without my expressing an opinion, because I know that would be out of order, can the Premier say whether the Government has considered this matter and, if so, whether it has any views on it?

The Hon. Sir THOMAS PLAYFORD: The penalty is as stated, but frequently a penalty is not imposed because the electoral officers give a person an opportunity to explain his reason for not voting and if the explanation is reasonable it is accepted and no action is taken. I think the real question is whether the penalty is sufficient to meet the purpose for which it was designed: to encourage people to vote. I think it is. The polls are satisfactory and I would not favour introducing a higher penalty for what in some instances could be a trivial offence.

DEAN RIFLE RANGE.

Mr. RYAN: In today's *News* it is reported that negotiations are proceeding between the State Government and the Commonwealth Government for a transfer of land from the Dean rifle range, which is in the Greater Port Adelaide area. The report states that 900

acres is involved, and that the Adelaide City Council is anxious to acquire land in the area for garbage disposal purposes. Is the Minister of Marine able to amplify the press statement and, as the land is covered by the Greater Port Adelaide Plan, can he indicate the position regarding the other 400 acres, which is in the hands of the Commonwealth Government?

The Hon. G. G. PEARSON: The only points on which I am competent to express an opinion are those that concern the Harbors Board. I have not seen the article referred to, but I think that the acreage quoted to be acquired or taken over by the Harbors Board is substantially correct. I understand that the City Council is interested in some part of the remainder of the reserve, but I am not able to discuss the purposes for which it is required. Negotiations between the State and Commonwealth Governments have been proceeding for some time. The Harbors Board wants to progress with the reclamation of the area, which is in the Gillman Estate and is part of the Greater Port Adelaide Plan. In fact, a small area of what was formerly the Dean rifle range has already been made available by the Commonwealth to the board and some of that has been reclaimed. When negotiations are satisfactorily concluded the board will be able to proceed with the work of reclaiming a larger area.

Mr. LAUCKE: I understand the resiting of the range affects certain land in the Upper Hermitage area in the hundred of Para Wirra. Landholders in that area are concerned as to the final decision in this matter because they have been held up for some time in planning their agricultural programmes pending a firm decision by the authorities regarding land that could be acquired in that area. Will the Premier obtain a report as to what is transpiring in respect of the possible purchase of land in that area?

The Hon. Sir THOMAS PLAYFORD: Yes.

NEMATODES.

Mr. LAUCKE: Has the Minister of Agriculture a reply to my recent question about damage caused to grape vines by nematodes?

The Hon. D. N. BROOKMAN: The Director of Agriculture reports that nematodes are not confined to the light sandy soils and that there is little doubt that some degree of nematode infestation can be found in all vine areas of the State. The report is interesting, but too long to read, and I ask permission to have it incorporated in *Hansard* without my reading it.

Leave granted.

NEMATODES.

A tremendous amount of work would be involved in carrying out a detailed survey of the extent of nematode infestations in the various vineyard areas of the State and this has not been done. However, the position is known in general terms. Nematodes are not confined to the light sandy soils—in fact several of the most severe infestations have been found in heavy soils of the irrigation areas. Several species of nematode are involved in vineyard infestations—rootknot nematode, root lesion nematode and the citrus nematode are the most commonly found. From records we have there seems little doubt that some degree of nematode infestation could be found in all vine areas of South Australia.

Some of the earliest nematode work in this State associated nematodes with a problem of currants in the Murray irrigation areas on light sandy soils known as Loveday dieback. In several other cases of unthriftiness in vines in both non-irrigated and irrigated areas, nematodes have been found to be present but have not been considered to be the primary cause of the vine decline. No instances have been recorded where the vines could be pulled out of the ground because of the severity of nematode damage to the roots. In several cases vines so badly affected with root rot through waterlogging that they could be pulled out of the ground have shown nematode infestation. The nematodes, however, have been considered of secondary importance in the vine condition in these cases.

Several aspects of the problem of nematodes in vines have been investigated by this department. There is little doubt that nematodes when present do have some effect on the vigour of the vines and the investigations have been aimed at:

(*a*) preventing infestation of new plantings on new land;

(*b*) treating established plantings showing mild nematode infestations;

(*c*) treating infested land to be replanted.

A survey of vine nurseries showed that most were infested with some degree of rootknot nematode. A method of treating vine rootlings after lifting from the nursery has been devised to ensure that only nematode-free vines need be planted. The treatment involves submersion of the rootlings in hot water at 125-130°F. for not less than three or more than five minutes. Growers making new plantings are advised to treat vines they are not certain come from nematode-free areas.

The effective treatment of established vineyards where nematodes are present is difficult because most of the chemicals effective against nematodes also kill the vine roots. However, trials conducted over the last three years have shown that one material—Nemagon—can be safely and effectively used in established vineyards with subsequent improvement in vine health. Claims of 20 per cent increase in yields have been made following treatment of badly infested vineyards but these are higher than we would normally expect. In the pre-planting treatment of old vine land to be replanted a number of suitable nematocides are available.

Nematodes have probably been given far more publicity than their importance warrants in many cases. They occur very widely on a very wide range of plants. For example, root-knot nematode occurs on common weeds like roly poly, fat hen, marsh mallow and many others. It is very difficult, therefore, and in fact virtually impossible, to prevent entirely the occurrence of this nematode in new vine plantings however much care is taken. A long term trial was established on the Loxton Research Centre in 1961 to assess the value of preplanting, soil fumigation and hot water sterilization of vine rootlings.

MARNE VALLEY ELECTRICITY.

Mr. BYWATERS: Has the Premier a reply to the question I asked on October 4 about electricity for Marne Valley?

The Hon Sir THOMAS PLAYFORD: The Assistant Manager of the Electricity Trust reports:

The contractor, K. M. Joseph and Co. Pty. Ltd. has completed work on this extension. Electricity Trust employees are now installing transformers and services to the houses, etc. It is expected that supplies of electricity will be available by the end of November to each installation in which the wiring has been completed.

LAND TAX COMMITTEE.

Mr. FREEBAIRN: Can the Premier say whether the terms of reference for the land tax inquiry committee have been decided upon and, if so, what the field of inquiry will be?

The Hon. Sir THOMAS PLAYFORD: The terms of reference have now been decided. They are substantially those that were contained in the motion introduced by the Leader of the Opposition. When that motion was debated I intimated that I doubted whether the terms of reference were quite as the Leader intended. He used the term "agricultural land" whereas I believe he was interested in land for rural production. The terms of reference have been widened to embrace primary production land and not merely agricultural land.

NORTHFIELD RESEARCH CENTRE.

Mr. NANKIVELL: Has the Minister of Agriculture a report on the progress in the planning for the establishment of the research centre at Northfield, and can he say when he expects it to operate?

The Hon. D. N. BROOKMAN: I have received the following reply from the Director of Agriculture:

Work has already commenced on the rehabilitation of the farmlands at Northfield. Some internal fencing and boxthorn hedges have been removed and repairs effected to remaining subdivisional fencing. As the first step in a five-year plan for pasture establishment over most of the area, 165 acres has been double-ploughed and cultivated, with emphasis at this stage being placed on weed control. It is intended that this area will be cereal-cropped for grain or hay for two years prior to the sowing of suitable permanent pastures. Detailed plans and specifications for the Northfield laboratories and barn are well in hand by the Public Buildings Department, and it is expected that these will be finalized to enable tenders to be called early in the new year.

Negotiations are proceeding for the erection of a house on the site to permit the appointment of a dairy foreman early next year. It is expected that in February, 1963, the department will assume responsibility for the farmlands and livestock at present under the control of the Department of Health. Further development and rehabilitation will proceed to establish this area as an animal research centre, with emphasis to be placed on dairy husbandry and management investigations. In association with the laboratories, an area will be set aside for essential studies on soil fertility, grain quality, and pasture growth and production.

CORNSACKS.

Mr. JENKINS: It has been reported to me by one of my constituents that the price of cornsacks in the Port Elliot area is about 15s. 6d. a dozen greater than the price at Port Adelaide. Will the Premier take this matter up with the Prices Commissioner and find out if this difference exists and, if it does, whether it can be justified?

The Hon. Sir THOMAS PLAYFORD: Yes.

TANUNDA PARK.

The Hon. B. H. TEUSNER: Can the Premier say whether the advisory committee under the Public Parks Act, 1943, has recommended the acquisition of certain land adjoining the Tanunda recreation park to be used in connection with the said park? As the recreation park is vested in the Tanunda District Council, is it intended to transfer the adjoining land, if it is recommended to be purchased, to the district council and, if so, on what terms?

The Hon. Sir THOMAS PLAYFORD: I understand the committee intends to recommend the acquisition of the said land. Actually, I think the matter has been held up because of the illness of one of the staff. Regarding the second part of the question, we will, in accordance with usual custom, submit the matter to the Land Board for valuation, because the Treasurer's financial consideration always depends upon the Land Board's valuation. I hope we shall be able to conclude the matter fairly promptly.

The usual terms where these matters are recommended are that the Government provides a subsidy of 50 per cent of the Land Board's valuation.

RELIEVING TEACHERS.

Mr. HUTCHENS: Yesterday I had an inquiry about what provisions were made for relief in one-teacher schools in the event of sickness. I explained to the inquirer that this was a most difficult problem for the Education Department, because sickness seemed to be more prevalent in certain periods of the year. However, I said that I was certain that the department made provision in this respect and that I would ask the Minister of Education what arrangements were made to provide such relief.

The Hon. Sir BADEN PATTINSON: The department employs relieving teachers. Some of these are employed full-time as relieving teachers and others can be obtained at short notice for special reasons to suit particular localities and circumstances. However, on occasion, when there has been a sudden illness in a one-teacher school or other small school, it has been necessary to close the school for a limited time, perhaps for a day or so, until the relieving teacher could be sent for.

FRUIT JUICES.

Mr. BYWATERS: An article in this morning's *Advertiser* referred to a Commonwealth Government announcement that there would be no more import licensing. The Premier will recall that a few weeks ago I asked him whether the importation of fruit juices into South Australia was penalizing the fruit industry. I pointed out that quantities of oranges and lemons were still unused and going to waste this year, and I asked him whether he would take up with the Commonwealth Government the possibility of imposing import restrictions on citrus fruit juices. In view of the statement in the press about the change in the import licensing system, has the Premier anything further to say on this important subject?

The Hon. Sir THOMAS PLAYFORD: As far as I can remember, no reply has been received from the Commonwealth Government. However, I will check that, because it may be that there was a reply that did not actually contain a decision. At present there is a great surplus in Australia of certain imported fruit juices, and this is having a serious effect upon the citrus industry and, I believe, on other industries as well. I believe the matter is becoming urgent. I think it is very wrong that people who are producing in this country do not at least have more reasonable access to their own local market. Because of some technical problems in canning, only limited canning facilities exist in some areas. I believe there is a strong case for a close supervision of the importation into Australia of products that can easily be produced and are produced satisfactorily in this country.

HANGING.

Mr. DUNSTAN: Has the Premier seen statements in Eastern States' newspapers that if the hanging of Robert Tait proceeds in Victoria the South Australian hangman, an employee of the Government of South Australia, will be provided to do the job? Can he say whether there is any truth in these reports and, if there is, whether the Government will immediately reconsider the matter and refuse to make available an employee of this State for the carrying out of that penalty?

The Hon. Sir THOMAS PLAYFORD: The matter certainly has not come under my notice. In fact, to be quite candid with the honourable member, I do not know who our officer is or, indeed, whether such an officer is employed by the State Government at present. If we have such an officer, his services are used very infrequently and he is on a "pretty good cop" at present. I shall inquire for the honourable member. The matter certainly has not come to Cabinet at any time I have been present (and I am present at most meetings), nor have I heard any reference to it. I will check and inform the honourable member precisely whether we have been given this particularly unpleasant task.

MOUNT GAMBIER TO PENOLA ROAD.

Mr. HARDING: Recently I asked a question about the state of the Mount Gambier to Penola main road, which carries a colossal amount of traffic as a result of the carting of pine logs. I understand that this road is patrolled practically daily, and repaired, and that it is standing up to the traffic very well. Will the Premier as Acting Minister of Roads obtain, by next week if possible, a report about the future rebuilding programme for this road?

The Hon. Sir THOMAS PLAYFORD: Yes.

INSTANT MILK.

Mr. BYWATERS: In today's *News*, under the heading "Now—Instant Milk", appears the following article:

Instant milk will be produced soon in New South Wales. Plans for the establishment of the new industry were announced by the Deputy Premier and Treasurer, Mr. Renshaw. He said a major United States dairy company, Foremost Dairies Inc., of San Francisco, and a

New South Wales company, Consolidated Milk Industries Ltd., had formed the instant milk company. It would be known as Foremost Consolidated Ltd. The company had remodelled a dairy plant at Grafton, on the north coast, at a cost of £200,000. It would produce a wide range of milk products including instant milk. Mr. Renshaw said instant milk would be made from full cream milk crystals. It was a process which had only been developed recently in the U.S., he added.

Has the Minister of Agriculture any knowledge of this new process; does he know whether it will be of advantage to people, particularly in outback places where dairy cows are not kept and fresh milk cannot be obtained; and will he say whether it will be an advantage or a disadvantage to this State's dairying industry?

The Hon. D. N. BROOKMAN: I am at a disadvantage compared with honourable members who read the afternoon paper before I do. I have not seen or heard of this, but I will study the article and give a considered reply as soon as I can.

ELECTORAL DISTRICTS (REDIVISION) BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to provide for the appointment of a commission to report upon the redivision of the State into electoral districts, and for purposes consequent thereon or incidental thereto.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

MINING ACT AMENDMENT BILL.

Read a third time and passed.

VERMIN ACT AMENDMENT BILL.

The Hon. D. N. BROOKMAN (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Vermin Act, 1931-1960. Read a first time.

The Hon. D. N. BROOKMAN: I move:

That this Bill be now read a second time.

It is designed, first, to prevent the breeding of rabbits commercially and, secondly, to confer on a vermin board power to dispose of, abandon or remove any fence vested in it if it is no longer necessary for the control of vermin. Section 19 of the Vermin Act, 1931-1960, casts a duty on owners and occupiers of land to destroy all vermin on that land, but section 36 relieves the owner or occupier of the duty, *inter alia,* of destroying rabbits kept in rabbit-proof cages or in rabbit-proof enclosures not exceeding 600 square feet in area.

Because the breeding of rabbits on a large scale would be inconsistent with the policy of extermination underlying the Vermin Act, it has been the policy of the department to discourage the commercial breeding of rabbits in this State, but commercial breeding cannot be effectively prevented so long as the Act enables rabbits to be kept on any land in enclosures of 600 square feet and does not limit the number of such enclosures. Besides, the establishment of commercial breeding centres in this State will render the task of extermination more difficult and hamper the efforts being made to bring the rabbit menace under control. Of late, the department has received inquiries from both local and interstate sources which suggest that the prospects of setting up rabbit breeding centres in this State are being examined by commercial interests.

The Government considers that the setting up of such breeding centres would be effectively prevented if persons were divested of the power and duty to destroy rabbits kept in any cage on any land by the owner or occupier thereof only so long as the cage was rabbit-proof and did not exceed 36 square feet in area and no more than one such cage was on that land. Clause 3 of the Bill accordingly re-enacts section 36 of the principal Act so as to produce that effect.

While the principal Act contains provisions for the disposal of fences vested in a board only after the board is abolished or its powers and functions are suspended under the Act, no provision exists for a board itself to dispose of or abandon a fence that it considers no longer necessary for the control of vermin. Clause 4 of the Bill is designed to supply that omission. The clause provides that, where the Minister concurs with a board that a fence is no longer necessary for the control of vermin and publishes a notice to that effect in the *Gazette,* the board may dispose of the fence subject to such terms and conditions as the Minister may prescribe.

I want to go back, briefly, to the commercial keeping of rabbits and read a report prepared by the officer in charge of the Vermin Branch of the Lands Department:

It is an anomaly that on the one hand the Government is encouraging district councils to vigorously enforce rabbit destruction by landholders, and yet the Act at present permits the keeping of rabbits for commercial purposes.

This is a matter of concern to councils, as has been mentioned to the advisory officer. Victoria, Tasmania and Western Australia have all recently passed legislation heavily curtailing or prohibiting the commercial keeping of rabbits, and it is known that representations have been made urging similar action in New South Wales.

Considerable success in rabbit control has been achieved in New Zealand without benefit of myxomatosis. Part of that success is attributed to decommercialization of the rabbit, which includes total prohibition of keeping of rabbits for any purpose.

I point out that this is not a decommercialization of rabbits but a prohibition of the keeping of rabbits for commercial purposes. The report continues:

The domestic rabbit is of precisely the same species as the wild rabbit. Myxomatosis has been of considerable assistance in reducing wild rabbit populations. Shope's fibroma (which is a live virus) is used to give rabbits immunity against myxomatosis. There is nothing to prevent stud rabbits already inoculated with Shope's fibroma from being introduced into South Australia from New South Wales. It is a definite possibility that this virus could be transmitted from commercially kept rabbits to wild rabbits. Always there is the danger that rabbits kept in enclosures may escape and breed in the wild, a factor not to be overlooked in endeavouring to achieve a high level of control. A considerable amount of hardship can be caused to individuals if legislation such as this is left until an industry has become firmly established. This has occurred in at least one State.

On the general question of rabbit control and eradication, some time ago the Lands Department augmented its staff by the addition of a Vermin Advisory Officer who is highly qualified, particularly in rabbit destruction work. He has been making a survey of the rabbit problem within the State. That survey is not yet complete but it will make an assessment of the general problem and the measures most needed to control rabbits.

Whilst "eradication" is a word I should like to be able to use, it would be too ambitious to say "to eradicate rabbits". However, I will say at least "to control them" at this stage. It would undoubtedly imply eventual eradication in many areas of the State. This officer is well aware of all the most up-to-date methods of rabbit control; he has studied the work going on in other States as well. When he has finished his survey, the position will be reviewed in order to organize a properly concerted attack by councils and landholders upon the rabbit pest. This matter is very much the concern of councils, and they will be contacted and given all possible assistance to encourage the destruction of rabbits within their areas.

Mr. CASEY secured the adjournment of the debate.

FISHERIES ACT AMENDMENT BILL.

The Hon. D. N. BROOKMAN (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Fisheries Act, 1917-1956. Read a first time.

The Hon. D. N. BROOKMAN: I move:

That this Bill be now read a second time.

It makes a number of unconnected amendments to the principal Act, some of which are of an administrative character. The first set of related amendments is made by clauses 3, 4, and 8 (*d*) and the last part of clause 10. They relate to the control and eradication of noxious fish which are defined as European carp in its various forms and any other species of fish which may be declared to be noxious fish by proclamation, and clause 4 empowers the Governor to make any necessary proclamation in this behalf. Clause 8 (*d*) will make it an offence to keep or hatch or consign or release any noxious fish or the eggs thereof, whilst clause 10 will empower the making of regulations for the control and eradication of noxious fish. This matter has been the subject of interstate conferences and in the general interest it has been agreed that the eradication of such fish should be attempted in all of the States—Victoria recently found it necessary to introduce a special Act on the subject. The problem of European carp and other noxious fish is not as great in this State as in the Eastern States, but it is clearly desirable that measures on the subject should be enacted in this State.

Clauses 5, 6 and 7 make certain desirable administrative changes. They provide that licences which can now be half-yearly or yearly shall in future be yearly and expire on November 30 in each year (clause 5 (*a*)). A further amendment is that in the future licences can be renewed within 60 days before expiration instead of 14 days (clause 5 (*b*)). Clause 6 makes consequential amendments regarding employees' licences. Clause 7 will provide for the annual registration of fishing boats. At present the position is that registration continues until the person concerned ceases to take fish in the boat or to use it for taking fish or ceases to manage or take part in the management of the boat when it is used in the taking of fish—a position described by the Director of Fisheries and Game as unsatisfactory. Under the new provisions all registrations will expire in any event at the end of November in each year, but of course they

can be re-registered. It is further provided that when a person ceases to take fish or to use a boat for the purpose, he shall notify the Chief Inspector within one month. With regard to annual registration of boats, I should point out that no fee is involved and I am advised that fishermen will welcome the new provisions. Unless some control is applied it does happen that boats are transferred from one fisherman to another but the registration number remains with the boat. One boat was found wrecked on the beach and the person whose name appeared on the list was communicated with but he had no knowledge of the boat because he was the previous owner. This caused some anxiety to the family. This provision will assist when boats are lost.

Clause 8 amends section 53 which deals with penalties. Paragraph (*a*) will make it an offence to take fish for sale without lawful authority or in contravention of the conditions contained in a licence. Paragraph (*b*) will make it an offence, not only to sell crayfish of less than the prescribed size, but also knowingly to have possession or control of such crayfish. Paragraph (*c*) will provide that it will not be an offence to use explosives if the Minister has given his written consent. It is intended to make seismic explorations in certain areas of the sea off our coast. It is not permissible for the Minister to authorize these explorations under the Act. The Act was last amended years ago and the provisions relating to explosives are now obsolete as they refer to torpedoes, dynamite and such explosives. It is now provided that the Minister shall give his written consent for seismic surveys. I need hardly add that the maximum care will be taken to ensure that our fish stocks will be safeguarded. The surveys will be under the control of the Director of Fisheries who will plan and supervise the surveys. I have already dealt with paragraph (*d*) which concerns the keeping of noxious fish.

Clause 9 will make amendments to the general penalties. At present these are fixed at up to £20 for a first offence and up to £50 for any subsequent offences. Under the amendments, while the maximum penalties will remain, there will be a minimum of £5 for a first offence and £20 for a second or subsequent offence. Additionally, in case of offences relating to the unlawful taking of fish or oysters and the unlawful possession or sale of them, there will be a further penalty of 10s. for every crayfish or other prescribed species of fish taken in the course of committing an offence. I have already dealt with the second portion of clause 9. The first part will empower the making of regulations concerning the rights or priority as between fishermen in the use of nets and other gear and for the preservation of good order. This is a necessary power and I am informed that regulations can be framed to cover a case where conflicting fishermen or groups of fishermen congregate in one area with resultant quarrels sometimes leading to grave disorder.

Mr. CORCORAN secured the adjournment of the debate.

ABORIGINAL AFFAIRS BILL.

In Committee.

(Continued from October 17. Page 1551.)

Clause 17—"Register of Aborigines."

Mr. DUNSTAN: I move:

To strike out subclauses (2), (3), and (4).

Clause 17 provides, first, that the board shall compile and maintain as accurately as possible a register of Aborigines. We have no objection to the compilation of a register, which could be most helpful to administration. We believe that ultimately there should be a plan for each individual family—its assimilation and integration into the community. To determine the ways in which that could be done, what vocational training should be made available, and what type of area a family could be fitted into, a register would be entirely desirable. However, subclauses (2), (3), and (4) provide that a person must obtain exemption from the register if he is a full-blood to get out of the restrictive provisions of the Bill. For reasons that have been set forth at great length, we oppose the exemption system. We also oppose the special restrictive provisions which make any sort of exemption provisions necessary. We believe that these restrictions, where they are necessary for Aborigines, can be put into effect under existing legislation applicable to every person in the community who possesses the characteristics to bring him within the terms of that legislation. Therefore, we see no necessity for provision of exemption from the register. We do not believe there should be any such exemption provisions maintained, and we believe that if our subsequent amendments are carried those provisions will not be necessary. We are opposed to the system of asking for exemptions in order to have the same rights as other citizens in the community. Many Aborigines are also bitterly opposed to any such scheme.

The Hon. G. G. PEARSON (Minister of Works): I have listened with some care to

the honourable member's remarks. The reasons for compiling a register of Aborigines are manifold, and the honourable member apparently agrees with some of the reasons. In the drafting of this clause I have been guided somewhat by procedure in other places. It seemed to me on investigation into this matter at Darwin that it had some merit. I know there are plenty of difficulties, too, but I think we are all agreed that in any legislation of this kind there are difficulties and it is a question of deciding which are the lesser difficulties, which provisions are necessary and which are not.

I think it will help members if I point out that in compiling the original list of Aborigines the board will not include the names of those persons who are well known to the board as being capable and advanced citizens. It is not a question of having an all-embracing register, because subclause (2) provides that the board shall—not may, but shall—keep these matters under review. Therefore, it would be idle for the board to compile a comprehensive list merely to immediately remove the names of many persons from the register that it should not have included, and then to follow the machinery for removing from the register the names of other persons who are arriving at a stage in their advancement where they should not any longer be subject to even the very slight restrictions imposed on full-blood Aborigines under these provisions.

The other subclauses are consequential to the procedure for removal, and to give a person the right to have his name removed or to apply to have his name removed if it has not been done by the board on somewhat the same lines as had previously been done. This is in contradistinction to the provisions of the old Act. It does not entail the carrying of an authority by any citizen to say whether he is an Aboriginal or not. That is not done in the Northern Territory. The department in that area simply relies upon its register. I know it is called not a register of Aborigines but a register of wards of the State, but, Mr. Chairman, let us not delude ourselves. I have seen the register and read the names on it, and there is not a single European on it. We would only be deluding ourselves if we thought it had any other purpose than to record the names of full-blood and primitive Aborigines. I consider that this clause as a whole has merit. I have been guided somewhat by discussions I have had with the Northern Territory Administration and from personal visits to both Alice Springs and Darwin on two or more occasions, and I believe we should retain this clause. I therefore ask the Committee to do so.

Mr. LOVEDAY: I cannot help thinking that perhaps the Minister has given undue weight to the reasons that he thinks are important and not enough weight to other reasons. Obviously, since the Minister has said there are other reasons for the inclusion of subclauses (2), (3) and (4), there are other reasons, because those subclauses really refer to the question of whether a person is capable of accepting full responsibility of citizenship. Obviously, a register has other value besides that.

The Hon. G. G. Pearson: The member for Norwood has already mentioned that.

Mr. LOVEDAY: Yes. Let us look at the position of people of full European descent. Many of those people would not have better qualifications for citizenship than some Aborigines who would not be regarded as having the full qualities necessary for citizenship. If we are to have this sort of thing, surely it would be logical to have a register of Europeans, in other words, of people who call themselves Australians. It could be a list of those who are not fully accepted as being responsible citizens. It is the same sort of argument. I cannot help feeling that this can only produce feeling between the Aborigines who know that their names are on the register and others who know that their names have been removed from the register; they will regard themselves as different sets of people, and probably one set will soon feel inferior to the other set. That is a most undesirable situation.

I can see the need for the register as set out in subclause (1), but I consider that the other subclauses will provide this division of feeling. It is just as logical to have a register of all of us. We would then have to consider who were the people fit for full citizenship. The member for Norwood (Mr. Dunstan) cited an instance in his second reading speech of a magistrate who was not prepared to give an exemption under circumstances which seemed, when the member for Norwood described them, to be ridiculous. Although subclause (3) gives the applicant the right to appeal to a special magistrate, I think it is fairly obvious from past experience that we could have similar decisions as outlined by the member for Norwood.

Mr. Millhouse: I should like to hear the other side of the story.

Mr. LOVEDAY: I cannot help thinking that the question of whether a person is

capable of accepting the full responsibility of citizenship would be viewed differently according to the race to which the applicant belongs. The Aboriginal is always at a disadvantage in this sort of situation. This is illogical, it will create a division between two sections of Aborigines (one of which will feel superior to the other), and it is unnecessary.

Mr. DUNSTAN: It is the case that one exemption appeal taken under the old Act established the principle that in order to decide whether a man was fully fitted for exemption higher requirements could be placed on him than the conditions under which his fellows in the camp in which he worked, who were Europeans, existed. The two things that the magistrate decided on were that he had no permanent assets saved up and he might fall into unemployment or sickness and therefore need some assistance. Other people in the camp might similarly fall into sickness or unemployment but few of them had the permanent assets of this man, who owned his own car.

Mr. Millhouse: Did the magistrate give written reasons?

Mr. DUNSTAN: Yes, and I shall be happy to supply them to the honourable member as they included something else which was somewhat unfortunate and which caused the matter to be referred to the International Commission of Jurists. To get citizenship the man had to show that he appreciated the enormity of supplying liquor to people who were not entitled to it under the Aborigines Act. That was not an offence with which he had ever been charged, and the onus placed upon him was to show that he would never commit an offence with which he had never been charged That is an extraordinary onus to discharge to show that one is fit for full citizenship, and that is the only case at the moment.

Mr. Millhouse: Has the commission taken any action?

Mr. DUNSTAN: It has appointed a committee with Mr. J. J. Davoren, Q.C., as convenor, but I imagine that in view of this legislation it is not going on. The legislation would rule him out as he was a part-blood, not a full-blood. That a man appeals to show that he is capable of discharging the full duties of responsibility does not mean that the magistrate will find that an Aboriginal is capable of discharging the full responsibilities of citizenship if he is like many European people in the community. That is another thing we shall have to face. Only Aborigines are on the Northern Territory register; every race but Aborigines is excluded from the operations of the Northern Territory welfare ordinance and, by excepting everyone else, one includes Aborigines without saying so. Consequently, any Aborigines can be declared wards in the Northern Territory.

I suggest that the only purpose of these three subclauses is to make it possible to differentiate between those people who will become subject to the restrictive conditions of the Bill and those who will not; that is the only reason to retain any exemption provision. If there are no restrictive provisions there is no need to divide the exempt from the non-exempt. I believe the restrictive provision should be cut out and that this Bill, like the Victorian Act, should provide only for welfare assistance. The Victorian Act provides no special assistance by virtue of race. I believe that can be done, and the amendments are designed to do it.

Mr. Quirke: Would Victoria have the same problems as we have?

Mr. DUNSTAN: No, and I think that should be stated clearly. Victoria has no nomadic natives and has few full-bloods. It has people living in some semi-tribal conditions but it certainly has no people of a nomadic type. In consequence, it does not have the problem we have in the Far North. At the same time, I do not see that the problems in the Far North cannot be coped with under the general legislation relating to the community. In our general legislation we already have a prescription bringing people within certain restrictions if they possess certain characteristics. The only one that is not coped with is the bigger difficulty, and if the member for Burra (Mr. Quirke) looks at the amendment we have placed on file he will see that even there we can cope with the situation by a steady decrease. Progressively we shall be able to relax restrictions there and replace the general restriction with the only restriction that will ultimately be needed—an individual restriction on the basis of certain characteristics on court orders. Under the Northern Territory ordinance the declaration of people on the register places them under certain restrictions, and they can be placed on the register not merely by virtue of race but by virtue of individual characteristics. If we prescribe individual characteristics without prescribing the rest we will do the job and do away with something that has made Aborigines bitter: that is, that they are subject to a restriction not because they are possessed of something that makes them

subject to restriction but because they are people who have a certain racial background. If that is the thing that brings them within it they object to it, but they do not object to restrictions if they apply to everyone in the community possessed of those characteristics.

I appreciate that the Minister has gone a long way along the road we are urging him to go in releasing all part-bloods from any restrictions, but we believe we should go the whole way and that now is the time to do it. That is why we urge that these provisions, which are essential to the maintenance of any restrictive provision, be removed from the Bill.

The Committee divided on the amendment:

Ayes (16).—Messrs. Bywaters, Casey, Clark, Corcoran, Dunstan (teller), Hughes, Hutchens, Jennings, Langley, Loveday, McKee, Riches, Ryan, Tapping, Frank Walsh, and Fred Walsh.

Noes (17).—Messrs. Bockelberg, Brookman, Coumbe, Freebairn, Hall, Harding, Heaslip, Jenkins, Laucke, Millhouse, and Nankivell, Sir Baden Pattinson, Mr. Pearson (teller), Sir Thomas Playford, Messrs. Quirke and Shannon, and Mrs. Steele.

Pair.—Aye—Mr. Ralston. No—Sir Cecil Hincks.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 18—"Proclamation of reserves."

Mr. DUNSTAN: I move:

To strike out paragraph (*b*).

I shall also move later to strike out paragraph (*c*) and to insert the following new paragraph:

(*b*) with the consent of the owner declare any other lands to be a reserve for Aborigines.

Clause 18 provides:

The Governor may by proclamation—

(*a*) declare any Crown lands to be reserved for Aborigines;

With that we have no quarrel; but there are also the following provisions:

(*b*) alter the boundaries of any reserve;

(*c*) abolish any reserve.

With those two provisions we do quarrel. The member for Whyalla (Mr. Loveday) last night in Committee spoke at some length, as he did in his second reading speech, on the proprietary rights of Aborigines. While we agree that it is impossible at this stage of the proceedings to set forth the kind of proprietary rights and protection for Aborigines that exists for the indigenous populations of the United States of America and of Canada (the Red Indians and Eskimos), nevertheless we believe that, before there is any alteration to a reserve or before any reserve is abolished, there should be legislation so that Parliament may scrutinize what is being done and see to it that there is some effective compensation in some way to the Aborigines who are perhaps being deprived of the use of a reserve. I believe that the Government here would seek to see that some proper provision was made, but the guarantee should be given to these people that that would not be done except by Act of Parliament so that not only this Administration but future Administrations would be in the position that they could not do what the Queensland Administration has done to the Aborigines in that State—remove from Aborigines the use of reserves without any effective and proper compensation to them.

That is happening in many instances in Queensland, and we do not want it to happen here. Aborigines and Aboriginal organizations have told me that we must guarantee that this matter will be scrutinized. In addition, we believe that there should be power to declare reserves with the consent of the owner of land that is not Crown land. We see no reason to restrict the declaration to Crown lands. In some instances there may be institutions owning land which want to have it declared a reserve for Aborigines and want to devote it to Aborigines. There is no necessity for it to be Crown land. It could be declared a reserve for Aborigines and come under the powers of the Minister by this Act as Crown lands, which are similarly declared. That power should be in the Minister. At the moment it appears that it is not intended that it should be so. Consequently, I have moved this amendment.

Mr. LOVEDAY: I hope the Minister will agree to this suggestion because I regard it as most important. I think I explained thoroughly in my second reading speech the importance of full recognition of all existing reserves and certainly the importance of not reducing them in any way or giving anybody any power, particularly outside of Parliament, to do so. I pointed out that, even with our North-West Reserve although steps have been taken to prevent prospectors going through, we still do not regard that as absolutely inviolate. It has been made clear that, given the necessary incentive to go in, Europeans will go in and the reserves will no longer be complete reserves for the Aborigines. Surely, in view of the way in which they have been treated and their land has been filched from them (first of all, they had quite large areas and then the little they did have left was gradually filched from them) we should not be niggardly about this.

We should also have this provision whereby a reserve in the future does not necessarily have to be Crown land. I visualize a situation where someone may want to make land available for a reserve, and we should not confine ourselves to having this clause covering only Crown lands. If the Minister will accept our amendments in this respect, it will be a clear indication that their reserves will be observed faithfully in the future without any doubt and, what is more, that they will have the opportunity of obtaining more land for reserves.

The Hon. G. G. PEARSON: I appreciate the motives behind the proposed amendment, but this does not achieve the objective. The amendment imposes unnecessary obstructions on the normal procedures for the alteration of areas and boundaries that must necessarily occur from time to time. I do not disagree in principle with the suggestion that Aborigines should be deemed to have some proprietary interest in the reserves extant at present which may be from time to time added to the list, but that is not a remedy, or even a compensation, for the past. One could refer to what happened in North America where the Indians were actually given large tracts of land as some form of conscience salve for the people who had dealt harshly with them in the past. I read a long and factual article on this subject. Few of the Indians who were granted such land ever lived on it for more than a brief time. They found it more to their desires to realize upon the land, and to use the money in other ways. Unfortunately, in most instances, the money did not last long.

Mr. Riches: They were able to sell the land to the white people.

The Hon. G. G. PEARSON: Yes, and they did. If they have no right to trade in property, what is the use of giving it to them? It is no good giving land to people and saying, "You must keep it in your family for all time." At present there are probably no Aborigines living permanently on any reserves in the southern part of the State. In the North-West the position is different, because the Aborigines have lived there probably since the inception of the race. I suggest that a better way of meeting this situation at some convenient time would be to provide that if reserves are disposed of for any purpose, the net proceeds of such disposal should be devoted to the welfare of the Aborigines. It is not intended to restrict reserves: on the contrary we are constantly adding to them. We are in the process of adding a large tract of land to the existing North-West Reserve. Last year we declared as a reserve for Aborigines the area formerly occupied by the United Aborigines Mission at Gerard. The whole tenor of this Administration's attitude is to increase reserves.

If our programme succeeds, as I hope it will, ultimately the need for reserves as such will disappear. Our reserves in the south are to be training institutions with an accentuated emphasis on that aspect. They will have no fixed populations, but will be institutions through which people will pass and, having graduated from the school, they will go into the community equipped as normal citizens. An influx of the more primitive types from further outback will pass through that procedure, too. It is inevitable that if we are to achieve our objective the primitive people from the North-West must be brought into closer contact with civilization. I think the member for Whyalla (Mr. Loveday) will agree that I have made every effort to preserve the privacy of the reserve in the North-West. I have incurred the displeasure of several people, including Government officers and members of other State Governments.

Mr. Loveday: I appreciate that.

The Hon. G. G. PEARSON: If we are to achieve our objective, as we can we must gradually bring those people into contact with civilization and pass them through the necessary developmental training schools to equip them to take their place in the community. That is the whole picture of reserves as I see it. There are technical difficulties concerned with the deletion of these paragraphs. First, it sometimes becomes essential to exchange land. At Coober Pedy a slight alteration of boundaries is necessary, because in that remote area surveys are not readily available and an error was made in the siting of a building. By arrangement with the adjoining owner we are taking portion of his land over for inclusion in the reserve and we are releasing an equivalent portion to him in compensation, I think without any exchange of money. It is a purely routine procedure, but it illustrates the desirability of retaining these machinery provisions. Again, I point out that there is the possibility—and I hope it is more than a possibility—that ultimately we shall be able to permanently settle Aboriginal families on land that at present is part of our existing reserves. At Gerard, for instance, we have a large area. We may not need it all for training purposes and we may be able to settle upon some of it—and give a title to—Aboriginal families who would be capable of working that land. The same could apply at Point Pearce, Point McLeay, and, I believe, at other places. We therefore

want the facility to vary the boundaries of reserves as that becomes necessary.

I have no objection to the paragraph suggested for inclusion in this clause. However, it seems rather peculiar that we can create a reserve with the consent of the owner. This appears simple enough, but if it is a reserve the owner must get off it. He could not reside upon it. Secondly, I feel it would be rather unusual for any person, or even any body, to want to give land to the Crown for a reserve without any compensation. If compensation is to be paid the ownership of the land changes and it immediately becomes Crown land and can be declared an Aboriginal reserve without any difficulty. This happened at Gerard. Although I have no objection to the proposed paragraph I do not think it is necessary because it does not achieve very much. Even institutions devoted to Aboriginal welfare have always required of us, on the few occasions when we have had dealings with them, some compensation for the property we take over as a Government institution. In the event of a consideration being paid for land the title comes to the Crown and it can be dealt with.

Mr. LOVEDAY: I thank the Minister for his explanation and I appreciate that there is merit in the argument he has advanced. He said that it was hoped that we could gradually bring natives from the North-West Reserve into contact with the European civilization with a view to assimilating them. I mentioned yesterday that it would be most unlikely that many of these adult people or any of them would ever be assimilated in the true sense of the term. I find it very hard to visualize that they would be.

The Hon. G. G. Pearson: Not the present ones.

Mr. LOVEDAY: No. The difficulty as I see it is that in that area the children are growing up with the adults and following their ways; they virtually have no contact with European civilization as we know it, with the exception of welfare officers and mission people. I regard this clause as having a certain amount of danger. If a big mineral deposit were found the temptation to go in there would be terrific, and the boundaries of the reserve could be altered as a consequence.

Mr. Dunstan: That has happened at Weipa.

Mr. LOVEDAY: Yes. The Minister has admitted previously that if a big mineral deposit were found there it probably would be worked. There is a proposal for an observatory at Mount Woodroffe. If the incentive is strong enough, there is the temptation either to alter the boundaries of the reserve or to go in on it. I think the effects of that can be visualized and it would no longer be completely a native reserve. The Minister may have strong views on this and be prepared to protect that reserve to the utmost, but other people might not be, and the pressure—perhaps political pressure—for Europeans to go in might be very strong. The reserve then would no longer be inviolate, and if any reserve should be inviolate it is this one. I appreciate that the other reserves will eventually be closed, because on them are people who are in the process of being fairly rapidly assimilated by comparison with the people in the North-West Reserve. Admittedly, they are not the descendants of the people who were originally there, but I do not think that could be argued as a matter of any importance, because the Aborigines over the past century have been so pushed around that probably only these few in the North-West Reserve are on their original tribal ground.

Mr. DUNSTAN: The Minister has suggested that this proposal to delete two subclauses will not achieve the purpose that we have stated but, with very great respect, I disagree. We are not trying to establish a proprietary right to give compensation in certain proportions to persons who originally may have had some tribal relation to a particular area. What we seek to see is that, when any alteration to a reserve is proposed, such as the Minister has outlined and as has been mentioned by the member for Whyalla, it shall not be done by Executive Council; we should have the right to scrutinize it here and the opportunity to see that the necessary protection is given to the Aboriginal population. We should also see that when an advantage is removed a compensating advantage is given elsewhere.

I appreciate the Minister's goodwill in this matter towards the Aboriginal population but, as the member for Whyalla has said, the present Minister may not always be here. This is a Bill that will be on our Statute Book for a long time, and other Governments and other administrators may have different attitudes. In my experience, there is a considerable difference in attitude between the present Minister and his predecessor on many things relating to Aborigines in this State. We believe that all those things the Minister has said must be done from time to time regarding reserves can be done, but they should be done by a Bill and not by a proclamation. A simple Bill to provide for an alteration in the boundaries of reserves and to validate giving a title to certain Aborigines who are settled upon them would be no complicated procedure at

all, and would give an opportunity to members to see that the rights of Aborigines were protected as they have not been protected previously in this State to the considerable detriment of Aborigines.

I have moved to strike out paragraph (*b*) and will move to strike out paragraph (*c*). Whether or not they are deleted, I intend to move to insert the new paragraph (*b*) on members' files.

Mr. RICHES: Briefly, I support this amendment. I notice that no-one else apart from the Minister has addressed himself to the clause and I wonder whether the Committee is conversant with the situation, because nobody has quarrelled with the statement of the Minister. It could well be that in future an exchange of land or an alteration of boundaries might be required, and the contention is that this should be done not by proclamation but only after consultation with Parliament. I have vivid recollections of strong pressure being brought to bear for the cutting up of Yalata station. Some of the Aboriginal reserves contain land that other people view with much envy. I think that before we take any action or countenance the taking of any action that would have the effect of diminishing the size of any of the reserves, Parliament should be consulted, and that is all the amendment seeks to achieve.

If the situation arises many years hence that it can be clearly shown that an Aboriginal reserve is no longer required, what is wrong with the Government or the department or the board consulting Parliament on the matter? That is being done repeatedly when an exchange of land takes place for education or other purposes. This is an important matter, and we should not allow such action to be taken by proclamation. We should insist that Parliament be consulted before any reserves are diminished in any way. I have confidence enough in the present Minister to believe that under present-day conditions he would not be a party to the reduction in the size of any of our Aboriginal reserves, but that has not always been the attitude. I remind the Minister that strong pressure can be brought to bear by people outside, and the board should be fortified by an expression of opinion of Parliament at this time. For that reason, I urge the Committee to accept this amendment.

The Committee divided on the question "That paragraph (*b*) proposed to be struck out remain part of the clause":

Ayes (17).—Messrs. Bockelberg, Brookman, Coumbe, Freebairn, Hall, Harding, Heaslip, Jenkins, Laucke, Millhouse, and Nankivell, Sir Baden Pattinson, Mr. Pearson (teller), Sir Thomas Playford, Messrs. Quirke and Shannon, and Mrs. Steele.

Noes (17).—Messrs. Bywaters, Casey, Clark, Corcoran, Dunstan (teller), Hughes, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Riches, Ryan, Tapping, Frank Walsh, and Fred Walsh.

Pair.—Aye—Sir Cecil Hincks. No—Mr. Ralston.

The CHAIRMAN: There are 17 Ayes and 17 Noes. There being an equality of votes, I cast my vote in favour of the Ayes. The question therefore passes in the affirmative.

Amendment thus negatived.

Mr. DUNSTAN: I move:

To strike out paragraph (*c*).

This amendment is moved on the grounds I have put to the Minister previously.

The Hon. G. G. PEARSON: The abolition of a reserve occurs so rarely (in fact, I do not think it has ever happened) that it is a matter that could come before Parliament. I was concerned about the machinery relating to minor legislation, but that has been preserved. I have no objection to this amendment.

Amendment carried.

Mr. DUNSTAN moved to insert the following new paragraph:

(*c*) with the consent of the owner declare any other lands to be a reserve for Aborigines.

Amendment carried; clause as amended passed.

Clause 19 passed.

Clause 20—"Power to remove Aborigines to reserves or Aboriginal institutions."

Mr. DUNSTAN: I move:

In subclause (1) to strike out "the board may, subject to the approval of".

This is a consequential amendment following upon the change of administration from the board to the Minister.

Amendment carried.

Mr. DUNSTAN moved:

After "Minister" in subclause (1) to insert "may".

Amendment carried.

Mr. DUNSTAN: I move:

In subclause (1) to strike out "or cause any Aboriginal to be kept within the boundaries of any Aboriginal institution, or to be removed to and kept within the boundaries of any Aboriginal institution or to be removed from one Aboriginal institution to another Aboriginal institution and to be kept therein."

The words I have moved to strike out refer to the removal of an Aboriginal to an institution and keeping him there. This means that any full-blood Aboriginal whose name is on

the register could be directed to go to a reserve and stay there and that he would have no right of *habeas corpus* and no appeal. In other words, this is a provision tantamount in law to summary imprisonment by executive action. In fact, certain half-bloods on the southern reserves have such orders extant against them. I appreciate that the orders have been made for the benefit of Aborigines. This is the purpose of the clause, because the Aboriginal is unable to cope with his children's needs. Therefore, the Minister should have power to say to him, "You should go to an institution where you will be looked after." The present provision is a transgression of the rights of the citizen and I do not believe we should retain such a provision in any Statute. In the United States of America it would be impossible because constitutionally they cannot do it. I believe that our provision goes much too far.

Let us consider cases where it is necessary to do something. I believe there are two such classes. It may be deemed advisable to provide that an Aboriginal shall be required to remain on or in an institution. One case relates to those Aborigines living off an institution and so neglecting their children that it is necessary to have oversight of the family; and the best way to cope with that is to see that the Aboriginal family is looked after. Sometimes an Aboriginal family is neglecting its children, not out of malice, but because they do not understand what should be done to care for the children who are suffering from disease. For instance, children may return from a hospital with instructions for their care and in such cases the existing legislation can cope with the position. A child could be charged with being a neglected child and the parent brought before the court under the Maintenance Act. He could be released on a bond with the provision that the parent receive training on an Aboriginal reserve. There is no difficulty there.

I understand that the Minister agrees that there is no necessity for some special provision in relation to Aboriginal children. My remarks relate to the position where Aborigines need some training and care in an institution. If an Aboriginal cannot adequately cope with the general situation in the community, he could be charged under the general law with having no lawful means of support, could be released on a bond, and then told to return to the institution. If ordinary people in the community have no lawful means of support they can be charged under the Police Offences Act and released on a bond. In the circumstances, I see no necessity for the suggested grave departure from the maintenance of the ordinary rights of the subject. The only restrictions that should be placed on Aboriginals are by virtue of their characteristics. I strongly urge members to support my amendment. I believe the whole thing can be coped with under the general law, without the need for this provision.

Mr. MILLHOUSE: I agree with the views expressed by Mr. Dunstan on this amendment. It is undesirable that we should by an administrative act be able to restrict the liberty of the individual, whoever he may be. That is the effect of the latter part of subclause (1), and it should not be included in the Bill. It may be that the alternative is that the Aboriginal be sent to gaol for some offence. The alternative is preferable because it is done by judicial act, not executive act.

The Hon. G. G. PEARSON: I appreciate the comments of both Mr. Dunstan and Mr. Millhouse and I am prepared to accept the amendment, but I shall not be prepared to accept the deletion of subclause (3), as I want it retained.

Amendment carried.

Mr. DUNSTAN moved:

To strike out subclauses (2) and (3).

The Hon. G. G. PEARSON: If the honourable member leaves those in, I shall look at subclause (3).

Mr. Dunstan: In the present form I do not think it ties up with subclause (1).

The Hon. G. G. PEARSON: No. It will need some amendment.

Mr. DUNSTAN: I ask leave to withdraw my amendment with a view to moving another.

Leave granted; amendment withdrawn.

Mr. DUNSTAN: I move:

To strike out subclause (3).

I do not mind an Aboriginal being removed from an institution when it is necessary to remove him, but I do object to requiring him to remain in an institution to which he has been removed, because we have deleted the provision to remove him to an institution. I do not agree that he should be kept in an institution. I think if we said, "Any Aboriginal who refuses to be removed from an institution shall be guilty of an offence," or "Any Aboriginal who refuses lawfully to be removed from an institution," that would be all right. There is power elsewhere in the Bill to exclude an Aboriginal. That should comply with the Minister's requirement.

The Hon. G. G. PEARSON: What I seek to retain in subclause (3) is a definite provision that where an Aboriginal refuses to comply with an instruction given under the subclause we have already amended—we have

struck out words from subclause (1)—he may be removed to and kept in an institution. We have retained the provision that he may be kept provided he is already an inmate of an institution for the purpose of undergoing training. All I wish to do in subclause (3) is to be able to say that any Aboriginal shall commit an offence if he refuses to remain within or attempts to depart from an institution in which he is being kept under subclause (1).

Mr. DUNSTAN: I think the Minister is under a misapprehension. We removed all the words after "institution" in line 14, not in line 15.

The Hon. G. G. Pearson: I am under a misapprehension, and a pretty big one.

Mr. DUNSTAN: It makes a considerable difference. I do not wish the Minister to be at all misled on this point. I do not believe that we should either send an Aboriginal back to an institution or that, once he is there, we should tell him to stay there. I believe the Minister should be free to refuse an Aboriginal entry to an institution, and an obvious case in point was cited to the Minister and me recently by the Superintendent of the Gerard mission station. The position was that suddenly some Aborigines from the West Coast turned up on the doorstep and the Superintendent had no accommodation for them, but they demanded admission to the reserve, and what is more they had a child with them that had an infectious disease. In those circumstances the Minister must be in a position to say, "You cannot come in here," and that power should be retained to the Minister. However, cutting out the power to send an Aboriginal to a reserve is not sufficient in my view for the purpose of subclause (1). I believe we should not keep an Aboriginal there if he wishes to go, otherwise we are saying there is an order, in effect, for imprisonment of the Aboriginal.

The Hon. G. G. PEARSON: That is not so. The honourable member's surmise in his last statement is not accurate. The honourable member will recall that this matter was discussed in my office, and the opinion was clearly expressed that it was feasible and indeed proper to require an Aboriginal to remain on a reserve or in an institution if it were necessary for him to continue his training, and the whole clause is governed by the first few words "in order to promote the welfare or to facilitate the training of Aborigines". That is not tantamount to imprisonment, but is equal only to the regulations under which the Minister of Education has power to say that children shall attend school. That is what we are seeking to do in this subclause—to keep people on reserves to continue their training. The subclause is not operable if the first requirement is not met. Therefore, I think we were in error in striking out that line. I thought we were striking out the words after "institution" in line 15, not in line 14, and I suggest that we might recommit this subclause with a view to re-examining the position. I believe the member for Norwood would accept that.

Mr. DUNSTAN: Yes, I agree to that. I do not wish the Minister to be under any misapprehension, and it is plain that he accepted my amendment whilst under a misapprehension. I think we all agree that if an Aboriginal undertakes or consents to undertake a course of training on an institution it might be proper to say that he commits an offence if he leaves that course of training unwarrantably and without permission from the Minister. That might be a provision that the Committee should discuss, but I would not agree to a continuance of the provision that now exists whereby certain people at Point McLeay mission are ordered to be kept at Point McLeay and may not leave without permission from the board. The subclause, as the Minister thought we were apparently amending it, would still allow him to do that, but I do not think it is proper. That would be saying, in my view, "It is best for your training and you should stay here."

I do not think that is proper unless the Aboriginal has agreed to undergo the course of training, and then we should have an agreement that he should stay there. If he agrees that he should stay in the Aboriginal institution for a course of training, I think it is fair to say that we have spent money to train him and he cannot walk off without committing an offence, but it should be by consent and not by an administrative act that the man can be kept there. The Minister should not be able to keep him there if he has not undertaken to undergo the course. If the Minister is prepared to say that in the event of the Aboriginal's agreeing to undergo a course of training he shall be kept in the reserve while undergoing that course and will commit an offence if he leaves without permission from the Minister, we will be getting somewhere.

Mr. RICHES: I do not like the way this is worded to compel Aborigines or anyone else to remain in an institution against his will. I wonder whether a compromise could not be reached so that this clause could be considered after the other clauses have been dealt with. This would enable a consultation to take place.

I presume the Committee is thinking of adults in connection with this clause, but young people, with no parents, doing school training under another law might get tired of it. In these days the schools are conducted by the Education Department rather than by missions. I can remember the time when I had to have a solid stick behind me before I would go to school. When children reach 14 years of age the department cannot compel them to remain at school. In these days there is a desire amongst those young people to get away from school. The same sort of trouble applies with apprentices.

If there is another authority to meet the position perhaps the Minister would indicate it, but if there is no authority to see that the training is not interrupted the provision in the clause should be retained, but perhaps with different wording. Any reference to compulsion to stay at school is associated with an atmosphere of gaols, when considered by the casual reader. I do not think the department would necessarily execute the provision that way. The Point McLeay mission is related to adults and I think the member for Norwood (Mr. Dunstan) has made out a case for its not being covered, but we should not divorce the department completely from authority over young people. Perhaps a consultation could take place with a view to retaining at least some provision in the clause.

The Hon. G. G. PEARSON: It appears that further consultation on this matter is required. I suggest that we pass the clause with the amendment to subclause (1) and leave subclauses (2) and (3) as they stand, so that the Bill can be recommitted later for further consideration of the clause.

The CHAIRMAN: The Minister may ask later for leave to recommit the Bill.

Mr. DUNSTAN: I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause as amended passed.

Clauses 21 and 22 passed.

Clause 23—"Unlawfully entering reserve or institution."

Mr. DUNSTAN moved:

In paragraph (*e*) to strike out "board" and insert "Director".

Amendment carried; clause as amended passed.

Clause 24—"Mining on Aboriginal institutions."

Mr. RICHES moved:

In subclause (1) to strike out "board" and insert "Minister".

Amendment carried; clause as amended passed.

Clause 25—"Medical examination of Aborigines."

Mr. DUNSTAN: I oppose the clause. It enables the board to authorize a medical practitioner to examine an Aboriginal, and thereafter if the Aboriginal is suffering from a contagious or infectious disease he may be ordered to undergo the treatment directed, and it will be an offence for him not to undergo it or be further examined. I realize that it is necessary in some cases to have a compulsory examination of an Aboriginal, but I cannot see the need for this provision. In the second reading debate I suggested an amendment to the Health Act would cope with the difficulty, but after perusing the Act I find there is no need for one. In connection with tuberculosis, there is power over everybody, and regarding another disease (I believe it is venereal disease) with which the department is concerned, there is power to declare it to be either a notifiable or an infectious disease. There is a general regulation giving the Government the power it needs to direct persons suffering from the disease, which may be proclaimed or be included in one of the schedules, to be examined and undergo treatment. The regulation on this matter is extremely wide, and all steps can be taken by the Government to cope with an infectious or notifiable disease. The Government has only to put venereal disease on the list to cover the lot.

If it could be done in this way, and a regulation under the Health Act could state that in given circumstances the health authorities might make the necessary order for a person to be examined and undergo treatment, it would be a provision applicable to everybody in the community. We do not at present provide that, because a man is an Aboriginal, he may be subject to a compulsory examination of a kind to which other people in the community are not subject. Venereal disease is not in the schedules to the Health Act. There is no difficulty in proclaiming it: it can be proclaimed easily. The Governor has power to proclaim any disease, whether notifiable or infectious. Once it is added to the list in the schedules, regulations may be made in respect of it. It can be proclaimed, for instance, an infectious disease and then, while it may not be, medically speaking, infectious, nevertheless it can be proclaimed as such, which gives us certain rights under the regulations. The regulation-making power prescribes these things:

(*a*) the measures to be taken for preventing the spread of or for limiting, mitigating, or eradicating tuberculosis or any infectious disease or notifiable disease:

(*b*) the prevention of the spread of infectious disease or notifiable disease by persons who though not at the time suffering from such disease are "contacts" or "carriers" and liable to disseminate the infection thereof, and the keeping of such persons under medical surveillance and the restriction of the movements of such persons: . . .

(*e*) the imposition and enforcement of isolation or of medical observation and surveillance in respect of persons suffering or suspected to be suffering from tuberculosis or any infectious disease or notifiable disease . . .

It is so broad that anything likely to be at all dangerous can be treated simply by making the necessary regulation and saying: "Right! People who are believed, on complaint to the local board of health or the Central Board of Health, to be suffering from such a disease may be required to be medically examined and shall undergo such course of treatment and isolation as may be prescribed for the purpose of limiting or eradicating the disease." We are not going to enforce that widely against people who will take precautions for their own safety. If these powers are necessary in relation to Aborigines who do not take care of themselves or have regard to the persons with whom they come into contact, so are they necessary for other people in the community who are not prepared to take precautions. The provision should be under the general regulations relating to anybody in the community with these characteristics. There should not be any discrimination against Aborigines.

The Hon. G. G. PEARSON: I think we are going a little too far in our efforts to bend over backwards to avoid what the honourable member describes as "discrimination". I agree in principle that we should go as far as we can, but I think we are proposing now to go a little too far. In this matter we have a difficulty peculiar only to Aborigines, which seems to me to justify the clause as it stands. Unfortunately, we have had frequent outbreaks of contagious and infectious diseases in the remote parts of our State, and they usually assume epidemic proportions before we become aware of them.

Under the provisions of this clause, as soon as we become aware of these outbreaks we shall be able to take immediate remedial action. We have had the utmost co-operation from the public health authorities in this State, and I commend them for what they have done. They have indeed done heroic work on occasions, in rather primitive circumstances and under conditions of great discomfort to themselves, to render prophylactic treatment to people in order to prevent the spread of infection. We are intending to deal in this case with people of a primitive way of life, far removed from medical care and with no knowledge of drugs, antidotes or medical matters of any sort, as we understand them. It is for the purpose of being able to take complete action, without recourse to what would be satisfactory action under normal conditions in the south of the State, that we seek power to act in this matter.

I point out that this provision deals with the physical health and well-being of people: it does not deal with their freedom or their rights as citizens to enjoy (if that is the right word) all the privileges of citizenship. It does not in any way restrict them; it is intended purely to assist a very primitive people, with no understanding of these things, at a time when prompt or tardy assistance can mean either life or death to them. That is all we are seeking to do and I hope the Committee will think again about this clause, which I ardently desire to retain in the Bill. It has no sinister motive; it is intended entirely for the health of the Aboriginal people.

Clause passed.

Clauses 26 and 27 passed.

Clause 28—"Property in blankets, etc., issued to Aborigines."

Mr. DUNSTAN moved:

In subclause (1) to strike out "board" and insert "Minister".

In subclause (1) to strike out "Her Majesty" and insert "the Minister".

In subclause (2) to strike out "board" and insert "Minister".

Amendments carried; clause as amended passed.

Clause 29—"Power of board as curator of Aborigines' estates."

Mr. DUNSTAN: I move:

In subclause (1) to strike out "or upon the order of a special magistrate the board" and insert "the Minister".

I do not believe that we should provide for the curatorship of estates against the wishes of the Aboriginal people. Practice has shown that it is not difficult to obtain the consent of Aboriginal people to the administration of their estates when that is to their benefit, but if they choose to refuse we should not assume control of their properties or earnings. If they believe that they can administer their affairs they should be given the right to do so, even though we may believe that they cannot do so in their own interests. We shall never reach the stage when they can be assimilated or integrated unless we give them the opportunity to make mistakes with their

own property. I do not think we should provide for an order of a special magistrate to put them into a special class. Only two classes of persons in the community at present have orders of this type made against them: one comprises minors' estates, which can be assumed under the general law; and the other relates to aged and infirm persons. Lunatics' estates are automatically assumed. In those cases orders are made by the Supreme Court upon investigation. The only Aborigines who should have such an order made against them against their wishes are aged and infirm Aborigines, and this can be done under the Aged and Infirm Persons' Property Act. If they are hale and hearty and desire to control their own moneys and administer their own estates, we should not take that right from them. If, however, they want the Minister to administer their estates, this provision will facilitate that without the need of their executing the formal power of attorney by deed.

The Hon. G. G. PEARSON: I think we are going further in principle with the proposed amendment than we do with ordinary persons in the community. As I understand the legality of the situation, this clause is drafted to conform with the ordinary law in respect of persons who are aged or infirm and unable to administer their own affairs. I believe that the order of a special magistrate is adequate protection for the persons concerned before action can be taken to handle their estates. I think some people would prefer this to be more direct to give the Minister power to take action, but I do not agree with that. I believe this legislation should conform with the ordinary legal position. The honourable member will no doubt say that in the case of an aged or infirm Aboriginal the ordinary law could apply as at present, but I believe there is a slight difference with Aborigines in that primitive and uneducated people are unable to administer their own affairs. I do not know whether the honourable member is prepared to comment on this.

Mr. DUNSTAN: I appreciate that the Minister wants to give the Aborigines some safeguards, but the only requirements to put an Aboriginal's estate under protection are (*a*) that he is an Aboriginal, and (*b*) that it appears desirable that someone should administer his estate. A magistrate must find that it is desirable. It may be desirable for his protection that someone should administer his estate, but my point is that, if a primitive Aboriginal is able to say, "No, I am not going to let you administer my estate," then he is at the stage where he should be given the right to say so. If he is so primitive as to need the protection of the Minister then he is likely to agree if approached. That, of course, happens now with several part-bloods who have consented to the board's administering their property. I have no objection to the administering authority—which in this case will be the Minister and not the board—getting the consent from an Aboriginal without a formal power of attorney. However, if the Aboriginal says "No" he should not be in a position different from anyone else in the community. If an Aboriginal is aged and infirm he can be dealt with under the Aged and Infirm Persons' Property Act. Even if an Aboriginal is living in primitive conditions he should be given the right to make mistakes with his own property.

Amendment carried.

Mr. DUNSTAN moved:

To strike out subclause (2).

Amendment carried.

Mr. DUNSTAN: I move:

In subclause (3) to strike out "board" and insert "Minister".

This amendment is consequential on an earlier amendment.

Amendment carried; clause as amended passed.

Clause 30—"Accounts and audit."

Mr. DUNSTAN moved:

In subclause (1) to strike out "board" and insert "Minister".

Amendment carried.

Mr. DUNSTAN: The Minister has pointed out a consequential amendment. I move:

In subclause (2) to strike out "board" and insert "Minister".

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

HOUSING LOANS REDEMPTION FUND BILL.

Returned from the Legislative Council without amendment.

HOMES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

IMPOUNDING ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ADJOURNMENT.

At 4.52 p.m. the House adjourned until Tuesday, October 23, at 2 p.m.