HOUSE OF ASSEMBLY

Tuesday, August 2, 1966.

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

MOTOR VEHICLES ACT AMENDMENT BILL.

His Excellency the 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.

SUPERANNUATION ACT AMENDMENT BILL.

His Excellency the 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

MOUNT GAMBIER INDUSTRY.

Mr. HALL: My question concerns an industry formerly operating in Mount Gambier. I have read in the *Border Watch*, a newspaper circulating in the South-East, that the firm of Electroplaters Proprietary Limited has been closed, after functioning for 18 years in that city and supplying local markets in the South-East and in Victoria. The most alarming part of the article was the report to the effect that this was the third industry to close in the last four weeks. Is the Premier aware of this situation and, if he is, can he say what efforts the Government has made to ascertain the cause of the decline of industries in Mount Gambier?

The Hon. FRANK WALSH: Although I did not see the article to which the honourable member referred, I shall inquire and try to ascertain the position.

HILLS FREEWAY.

Mr. SHANNON: Has the Minister of Lands, representing the Minister of Roads, a reply to my recent question regarding the widening of the section of road between Measday Hill and Crafers?

The Hon. J. D. CORCORAN: The Minister of Roads reports that construction plans for the section of freeway referred to have not yet been finalized. Following the last visit of Professor Spooner, the department's Consultant Landscape Architect, consideration is being given to widening the section to four lanes, but with a varying medium width in place of the formerly planned constant width of 10ft. This has been considered for aesthetic reasons as well as for safety reasons as it could mean a reduction in headlight glare and provide an improvement in design standard. At present, it appears that the existing roadway will be widened on both sides, but not uniformly. The preservation of natural stands of timber is being given deep consideration. My colleague also reports that the construction of the Crafers-Stirling freeway and ancillary works is being financed from the Highways Fund and will therefore not be referred to the Public Works Committee.

MOUNT GAMBIER OPPORTUNITY CLASS.

Mr. BURDON: Has the Minister of Education a reply to my recent question about opportunity classes at Mount Gambier?

The Hon. R. R. LOVEDAY: Apart from 11 pupils suitable for placing in a special senior class, there are 12 pupils still awaiting admission to an opportunity class at Mount Gambier. In addition, there are some children not yet tested by the guidance officer who are likely to be suitable for enrolment. The guidance officer is at present in the Northern Territory and on his return he will complete the testing of children in Mount Gambier. A recommendation concerning the establishment of a second opportunity class will then be made, and I shall be pleased to advise the honourable member further at that time.

ROAD MAINTENANCE (CONTRIBUTION) ACT.

The Hon. G. G. PEARSON: I refer to collections under the Road Maintenance (Contribution) Act. Will the Minister of Lands ask the Minister of Roads to have a report prepared showing how much was collected under the Act during the 1965-66 financial year and how the funds were disbursed, for the maintenance and repair of roads, to the various authorities, namely, the Highways Department, corporations, municipalities and district councils? If the whole sum was not disbursed during 1965-66, will the Minister ascertain how much was carried over to the 1966-67 financial year?

The Hon. J. D. CORCORAN: Yes.

SUPERPHOSPHATE.

The Hon. T. C. STOTT: Has the Premier a reply to my recent question about the price of superphosphate, and can he say whether this

matter has been referred to the Prices Commissioner?

The Hon. FRANK WALSH: The Prices Commissioner reports:

Superphosphate manufacturers have applied for an interim increase of $3.30 a ton for superphosphate in new cornsacks and $2.90 in bulk and farmers' own sacks. The reason for the application for an interim increase is that the annual investigation into the industry's costs is not normally finalized until about the end of September, and the industry considers that, in a year where large cost increases have been incurred, it should not be obliged to carry such increases for over three months. The phosphate rock increase accounts for $2.10 of the increase requested. Increased costs have also been incurred on labour, cornsacks and sulphuric acid. Although only the two smaller of the four sulphuric acid plants in this State use imported sulphur, the increase of $7.75 a ton recently announced also has some effect on the other two plants through loss of sulphuric acid bounty on production from indigenous materials, which in the case of Nairne Pyrites Pty. Ltd. and Broken Hill Associated Smelters Pty. Ltd. varies inversely with the rise or fall in the landed cost of sulphur. In addition, the bounty to Sulphuric Acid Pty. Ltd., which is a fixed amount, has been reduced by $1 per ton of acid since superphosphate prices were last fixed. Victorian superphosphate prices have been increased by $3.70 a ton, Western Australian prices by from $3.50 to $3.90 a ton, and New South Wales prices by $3.10 to $3.30 a ton. Comparison of new Victorian and Western Australian and New South Wales prices with current South Australian prices is as follows:

	S.A. $	Vic. $	W.A. $	N.S.W. $
Bulk	16.85	19.95	19.90	20.60
In farmers' own sacks	17.75	22.45	21.20	not packed
In new cornsacks	21.00	25.05	25.50	25.40

The Prices Commissioner expects the investigation of the industry's application to be completed shortly, and he will then forward a further report and recommendation to me.

The Hon. G. G. PEARSON: On July 26 I asked a question about the supply of sulphuric acid by the Broken Hill Associated Smelters at Port Pirie to the superphosphate-manufacturing industry in South Australia, and about the rebates received by certain groups that spread superphosphate on a bulk contract basis. Has the Premier a reply?

The Hon. FRANK WALSH: The Prices Commissioner has reported that the Broken Hill Associated Smelters Proprietary Limited normally supplies sulphuric acid to superphosphate manufacturers at Wallaroo, Port Adelaide and Port Lincoln. It is estimated that for the 1966-67 season, B.H.A.S. will supply 31 per cent of the total amount of sulphuric acid required. Deliveries of superphosphate in South Australia between August 1 and December 31, 1966, will again be subject to a $1 allowance. This applies to all users, provided orders are received by Fertilizer Sales Proprietary Limited before November 30, and is designed to promote off-season sales. Fertilizer Sales Proprietary Limited has no policy which gives preference to contractors as regards deliveries or price. In fact, some of the largest operators do not buy the superphosphate merely providing the farmer with the spreading service. However, others are agents of distributors and as such are allowed 10c a ton out of the distributor's commission or, where the credit risk is accepted, this allowance may be lifted to 15c.

In all cases the orders are placed through the distributors and delivery dates are nominated. Because of the long range planning needed to efficiently use machines and men, contractors, generally, see that deliveries are arranged well ahead. Individual farmers can likewise guarantee delivery by giving sufficient notice of delivery dates required. While not policy to give preference to contractors in the normal course of events, it is apparent that, should there be a delay in production, orders for contractors may be met on the day nominated, while farmers' orders also due at the same time may be deferred for a day or two. Such instances would be isolated in a normal year and merely recognize the fact that deliveries to contractors are usually more critical because of the tight schedules and heavy operating costs involved.

INFLAMMABLE CLOTHING.

Mrs. STEELE: Last Saturday night I watched with much interest and great concern the *Four Corners* programme on television dealing with the subject of children's clothing having an inflammable content. I understand that legislation has been introduced in Great Britain to control this, and the Textile Council in Australia has indicated that it considers legislation to be necessary because voluntary participation did not prove satisfactory in Great Britain. I do not know what the position is here, although I have been trying to check on it this morning. However, I understand that in the Eastern States the percentage of accidents (which frequently are fatal) is fairly high and that in many instances these types of accident result in scarring, long periods of hospitalization, and surgery. After talking to authorities at the Adelaide Children's

Hospital this morning, I believe that the position is much the same in South Australia and that the incidence per capita of these accidents would be about the same. Can the Premier say whether his Government has considered this situation and, in view of the concern of the medical profession and others in this question, whether it will look into the matter and report to the House on the result of those investigations?

The Hon. FRANK WALSH: I did not see the television programme to which the honourable member has referred, although I am certainly greatly interested in the matter, which I believe has implications throughout the whole of Australia. So much trade capacity could be involved that the matter would be on a different plane and it would have to be fully investigated before any one State could do anything about it. Certainly, action will be taken here if there is anything that can be investigated. However, I hasten to assure the honourable member that, if it were found that action would conflict with trade between States, it would be necessary for the matter to be considered on a wider basis.

WAYVILLE INTERSECTION.

Mr. LANGLEY: Has the Minister of Lands, representing the Minister of Roads, a reply to my recent question concerning the installation of traffic lights at the intersection of Goodwood Road and Greenhill Road, Wayville?

The Hon. J. D. CORCORAN: The Minister of Roads reports that the traffic signal installation for the intersection of Goodwood Road and Greenhill Road is currently being designed. It is expected that the design will be completed early in September following which tenders will be called immediately.

PHOSPHATE ROCK.

The Hon. B. H. TEUSNER: Has the Premier an answer to the question I asked on July 20 about what Government action was being taken to foster the use of local deposits of phosphate rock?

The Hon. FRANK WALSH: My colleague, the Minister of Mines, reports that local deposits of phosphate rock are relatively small: the total known tonnage in five separate deposits does not exceed a few hundred thousand. This material is relatively low grade in usable calcium phosphate, and moreover has such large quantities of iron and aluminium that it cannot be treated for the production of superphosphates. The department is conducting a continuous search for usable phosphate deposits throughout the State, and has been doing so for several years. A senior officer of the department was sent overseas in 1963 to investigate the most recent discoveries of phosphate and to study exploration methods. These have now been adapted to South Australian conditions, and the search is continuing. The department has issued several permits to oversea and local companies for phosphate exploration.

TEA TREE GULLY SCHOOL.

Mrs. BYRNE: As the Minister of Education told me last year that the Education Department intended to purchase land adjoining the Tea Tree Gully Primary School and that negotiations were proceeding to acquire it in accordance with the provisions of the Compulsory Acquisition of Land Act, has the Minister further information about this matter?

The Hon. R. R. LOVEDAY: I shall be pleased to obtain a report and to inform the honourable member.

HEN LEVY.

Mr. NANKIVELL: Has the Minister of Agriculture a reply to my question of several weeks ago about the possibility of substituting a fortnightly hen tax for the annual tax in respect of people keeping fewer than 50 birds?

The Hon. G. A. BYWATERS: The South Australian Egg Board has always been in favour of the bird levy returns being submitted at less frequent intervals, and has been pressing for a four-weekly period in lieu of two-weekly as required at the present time. So far this proposal has not received the agreement of the other States. In view of this, the suggested annual payment by producers owning up to 50 birds could not be expected to receive the necessary support required by the Council of Egg Marketing Authorities of Australia constitution. Apart from this, it is considered that the information supplied by the return forms is necessary at frequent intervals, as a large percentage of the total Australian production comes from flocks of under 50.

MURRAY RIVER FISHING.

Mr. CURREN: Has the Minister of Agriculture a reply to my question of some weeks ago about the appointment of a fisheries inspector for the Upper Murray River area?

The Hon. G. A. BYWATERS: Mr. B. M. Eves took up duties in Adelaide as an inspector of fisheries and fauna on Monday, July 18.

After a preliminary training period in Adelaide, Mr. Eves will be transferred to the Upper Murray district. It is uncertain when he will take up residence in his new district, as the question of suitable housing and office accommodation has yet to be resolved. Mr. Eves and the senior inspector are visiting Upper Murray districts this week, and visits by inspectors will continue until a resident inspector is stationed in the area.

KEPPOCH ELECTRICITY.

Mr. RODDA: Has the Minister of Works a reply to my question of July 26 about a rumoured delay in reticulating electricity to what is known as Keppoch No. 2 area in the South-East?

The Hon. C. D. HUTCHENS: The General Manager of the Electricity Trust reports:

The single wire earth return system for the Keppoch No. 2 area will not be delayed for 12 months. A contract for the construction of the network in the Padthaway area for stage 1 is in progress, and it is expected that this stage will be completed in April, 1967. Padthaway stage 2 (also referred to as Keppoch No. 2 area) is scheduled to commence after Padthaway stage 1 is complete. The single wire earth return system will cover the hundred of Marcollat and the remainder of the district between Padthaway and Keppoch will be three-phase 11,000 volt reticulation. A contract for the survey of stage 2 has been arranged and the field work will commence in October or November, 1966, depending on ground conditions after spring rains. It is planned to call tenders for the construction of stage 2 shortly before the completion of stage 1 and, if sufficient finance is available in the 1966-67 capital works programme, work on stage 2 can start in May, 1967. If funds are not available then, work on stage 2 will be programmed for the beginning of the 1967-68 financial year.

PARAFIELD GARDENS SEWERAGE.

Mr. HALL: I have received from a constituent at Parafield Gardens a complaint about his inability to have a sewerage system connected to his house, although he paid the Engineering and Water Supply Department for the connection of that service in the middle of last year. He occupied the premises in September and was promised a connection by December; the promise was then deferred until March and, finally, until April last. As the service has not yet been connected, although the main is only about 100 yards from the house concerned, can the Minister of Works say whether this is a typical delay and, if it is, can he say what trouble is involved? If I give him the name of the person concerned, will he investigate the matter with a view to expediting sewer connections in this district?

The Hon. C. D. HUTCHENS: I regret that the Leader asked whether this was a "typical delay". Indeed, I am sure he is well aware that it is not, and that special circumstances are involved. If the Leader gives me the name of his constituent, I shall have the matter immediately investigated to see whether the connection can be made.

STATE ALLOCATIONS.

Mr. HALL (on notice):

1. What was the amount a head of population paid by the Commonwealth Government to each of the Australian States by way of tax reimbursement for the year 1965-66?

2. What are the estimated figures for the year 1966-67?

3. What was the total amount of Loan money allocated to the Australian States for the year 1965-66, and what percentage was allocated to each State?

4. What amount has been allocated for the year 1966-67, and what percentage applies to each State?

The Hon. FRANK WALSH: The replies are:

1. Tax Reimbursement, 1965-66:

	$ a head.
New South Wales	60.2
Victoria	59.2
Queensland	70.1
South Australia	81.3
Western Australia	95.9
Tasmania	86.4

(Population figures estimated.)

2. Tax Reimbursement, 1966-67:

New South Wales	63.7
Victoria	62.6
Queensland	75.4
South Australia	86.0
Western Australia	101.4
Tasmania	91.4

(Total amounts and population figures estimated.)

3. Loan Allocations, 1965-66:

	$	Per cent.
New South Wales	192,421,000	31.80
Victoria	154,332,000	25.51
Queensland	76,513,000	12.65
South Australia	82,949,000	13.71
Western Australia	56,503,000	9.34
Tasmania	42,282,000	6.99
	605,000,000	100.00

4. Loan Allocations, 1966-67:

New South Wales	205,140,000	31.80
Victoria	164,540,000	25.51
Queensland	81,570,000	12.65
South Australia	88,430,000	13.71
Western Australia	60,240,000	9.34
Tasmania	45,080,000	6.99
	645,000,000	100.00

HILLS TRAFFIC.

Mr. Coumbe, for Mr. MILLHOUSE (on notice):

1. What investigations and pedestrian and vehicular traffic counts have been carried out in connection with access by residents west of Waverley Ridge to the proposed hills freeway?

2. When were such investigations and traffic counts carried out?

The Hon. J. D. CORCORAN: The Commissioner of Highways reports that detailed investigations were carried out throughout the whole area affected by the proposed hills freeway at present under construction. These have included traffic counts at intersections giving directions of vehicles passing through the intersection, together with pedestrian surveys to indicate the need and possible location of pedestrian facilities.

TRAFFIC COUNTS.

Intersection.	Year.
Main South-East Road No. 1—Mount Lofty Main Road No. 78	1966
Main South-East Road No. 1—Cox Creek Road	1964
Cox Creek Road—James Street ..	1964
Main South-East Road No. 1—James Street-Waverley Road ..	1964
Main South-East Road No. 1—Crafers-Summertown Main Road No. 79	1964
Main South-East Road No. 1—Hawthorn Road	1964
Station Road-Waverley Road-Ayers Hill Road	1964
Main South-East Road No. 1—The Crescent	1962
Pedestrian Surveys.	
Waverley Road-Hawthorn Road ..	1964
*Measday Hill special survey	April, 1966

* This survey included both pedestrian and vehicle classification count at Charlick Road.

LAND TAX ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from July 28. Page 765.)

Mr. QUIRKE (Burra): Last Thursday, when I obtained leave to continue my remarks, the member for Frome (Mr. Casey) had just finished addressing himself to the subject of State land tax. I said then that he had devoted much time to showing that, although land tax was to be increased under the Bill by about $2,000,000, in fact nobody was being taxed at all and most people would not pay increased land tax. He produced lengthy figures to show that people in the Northern areas would not pay much more in taxation—in fact, most would pay nothing. He said this applied to other places as well, but overlooked referring to those who were paying the bulk of this $2,000,000 land tax increase. Some of those people will be paying heavily indeed. The Government should not collect $2,000,000 in taxation from a minority of people in a State with the population of South Australia. It stands to reason that if a large percentage of the people pay nothing, then a minority must pay a lot, individually.

Mr. McKee: Did you work that out over the weekend?

Mr. QUIRKE: No, it took me only five minutes to decide what I was going to say, and if the member for Port Pirie wants to know how I did this, then when we have a few quiet moments I will show him how it is done. The fact is that $2,000,000 is being collected, and by next year twice that sum will be collected. Why don't members of the Government Party come out and say that this taxation is money that the State needs and must have?

Mr. McKee: We've said that.

Mr. QUIRKE: This is a legitimate tax that the State must have. Why didn't Government members say that, instead of saying that so many people would not be affected by the Bill? If they are not taxed under this Bill they will be taxed in many other ways. This is a legitimate tax. I entirely disagree with the member for Frome when he says that so many people should be exempt from land tax. Whether a great area or a small area of land is being put to legitimate use, a tax is not fair if a few people pay most of it and many people pay only a small portion of it. Perhaps this is an entirely new idea. However, I fear that this sort of taxation is typical of what the Labor Party does when it is in Government.

Mr. McKee: You have to take into account the capabilities of people to pay.

Mr. QUIRKE: Of course, but at present if a person has a property the unimproved value of which is $10,000 he does not pay anything. I do not mean that everybody should pay a large sum, but taxation cannot be imposed in justice on only a section of the community. Everybody who owns land should pay land tax, even if it is only $1. The bulk of it should not be paid by a few people; that is wrong. The same position has applied to other Bills brought into the House. The Road and Railway Transport Act Amendment Bill was designed to have a small section of people contributing $2,000,000 to the Railways Department. This sort of thing cannot be

done in justice. However, the Government must have this money, and therefore its members should get up and say why they want it. In case they are short of reasons I will give some.

Taxation that can be levied by a State Government (not including everything other than income tax, customs duties, and so on), is in the form of succession duties (the Government has had a pretty good crack at getting money out of another small section of the people in this respect—the rich people, as the Attorney-General said at one time), stamp duties (the Government has already increased these), land tax (the Government is in the process of increasing this), motor vehicle fees (that is a legitimate tax on road users), racing taxation (the Government can collect that money), hospital rating, liquor taxes, and transport and other licences. They are the legitimate taxing headings under which a State Government can collect taxation; a Government has no other avenues of collecting taxation. The last Auditor-General's Report shows that State taxation represented 16.3 per cent of the total revenue received by the State; public undertakings contributed 26.1 per cent; other public services contributed 20.5 per cent; and the Commonwealth Government contributed 37.1 per cent. However, all that the Government could collect under the headings to which I have referred was $34,900,000. The debt charges on what the Government already owes amount to $51,936,000 a year, and this means that those debt charges are $16,000,000 more than the Government can collect in taxation in this State. In other words, every year from now on the Government will have to continually increase taxation in order to pay these charges. I maintain that next year the Government will have either further increases or further deficits. It must collect more money, otherwise it will be paying interest with Loan money. Does the Government contemplate doing this?

That is the position we have reached and I sympathize with all the Governments of Australia that find themselves in that position. This Government will have to increase land tax and every other tax. Obviously, it already recognizes that it is necessary to get this money, because the first thing it did was to attempt to increase its revenue. However, there must be an end somewhere to the collection of revenue if it is going to come in increasing quantities from the people all the time and if it is to result in a never-ending increase in the amount of money on which the Government owes debt charges. Surely all honourable members can realize that. It is an unending and vicious circle. The debt charges in respect of the investment that has brought the progress to this State are $1,000,000,000. In other words, everything that has been achieved in this State in the way of improvements and industries has left a legacy of $1,000,000,000.

Very little has been done here that has not left a charge behind it, and those charges will kill any Government. They will kill this Government, and they will kill succeeding Governments unless a different method of financing is evolved. I have said before, and I say it again now when another taxation medium is coming up, that every State in the Commonwealth should show its complete disapproval of the Financial Agreement Act, which is now about 40 years old, completely out of date, and a brake upon progress. It will be a brake upon progress under this Government and any Government that succeeds it, and the only circumstances in which it would not be a brake would be when every bit of money advanced called for increased taxation. I am fearful of the future if we continue under the existing conditions. If I am wrong in that, and if it can be done without jeopardizing the whole of the Commonwealth and jeopardizing the rights, privileges and security of individuals, I shall be pleased if somebody will let me know. The fact remains that in South Australia our total revenue from tax is far less than our capital charges. How much further can that go? These capital charges will increase, because every time we put something on to the amount the charges increase on the total amount by which the backlag increases.

The Hon. R. R. Loveday: Especially the non-productive ones.

Mr. QUIRKE: Yes. We have gas 500 miles away, so it is said that the Government must have a pipeline. In fact, it was suggested at a meeting attended by you, Mr. Speaker, that the pipeline should already have been built. It is going to cost only about $40,000,000 and, of course, that can be plucked off the salt bush on the way down!

Mr. Curren: A mere detail!

Mr. QUIRKE: Yes. If the Government borrows that $40,000,000 or any part of it, it is tacked on to the existing $1,000,000,000 and increased charges will be collected to pay the Sinking Fund and other things. Will the mere fact that we are going to get gas down here redeem the position? Honourable members know it will not. What it would probably

mean is that we could bring coal from Newcastle to Brompton and make cheaper gas than we could get by bringing it down from Gidgealpa. If the cost of the pipeline is to be $7,000,000 a year, and if it is going to be amortized over 20 years (which is the suggestion), that pipeline could cost over $200,000,000.

The SPEAKER: Order! I am trying to decide how this relates to land tax.

Mr. QUIRKE: I am sorry, Mr. Speaker, if my intrusion into your district has brought reproof. Getting back to the Bill, I say that the pipeline has to be paid for in some way. This land tax is a necessary tax, because the Government must have the money.

The Hon. R. R. Loveday: You are merely illustrating it.

Mr. QUIRKE: Yes. Any other Government would have exactly the same difficulty because we are piling things up. Members will see by now that I support the measure to increase land tax, although I do not agree with the wholesale exemption. Although the land tax may be low on a small area, in order to prevent the Government being accused of favouring a large section of the community, everyone who has land (except blocks on which dwelling-houses are built) should pay the tax while it exists and, whatever the amount of tax, it should be charged. The one disagreement I have with this measure, which increases land tax by $2,000,000, is that it is a direct slug on some people. However, I support the Bill.

Mr. CURREN (Chaffey): I, too, support the Bill but, unlike Opposition members, I hope it is passed in its present form. The member for Burra claimed that Government members have shied away from giving reasons for imposing this tax, but the reasons were given last week by the member for Glenelg who did not shy away from any part of the Bill or from stating the reasons for its introduction. The member for Burra said that it will be dollars this year which will be equal to pounds next year; that is, he claims that the tax will double. Under the principal Act and these amendments, the assessment will be set for five years, as will the rate to be charged.

Mr. Quirke: My remark applied to taxation in general.

Mr. CURREN: That may be so, but the honourable member was speaking to this Bill, and his remarks may be used by people in other places to create a false impression in the mind of the general public, and to imply that the Government unworthily intends to double land tax next year. I take issue with the honourable member on that point.

Land tax as a means of raising revenue was instituted by a Liberal and Country Party Government in 1936. The Act has been amended five times since then, and the present Bill is primarily to amend the rates of tax, to allow several concessions, and to make many other amendments as a result of conversion to decimal currency.

I listened carefully when the member for Stirling spoke in the debate last Wednesday. It was difficult to follow the honourable member's line of argument because he jumped all over the place, and did not seem to have any definite ideas for any alternative means by which the Government could raise revenue to maintain the services which the general public require from Government departments. The only significant thing he said was in relation to the services provided by some departments. I quote from *Hansard* for the benefit of members generally and to refresh the memory of the member for Stirling. He is reported as saying:

If the Government is short of money because some of its services are not paying, the first step it should take is to make the departments in question more efficient so that more money can be produced from that source.

By interjection, I drew his attention to the fact that many departments provided services for which no payment was or could be made, in particular those services provided by the Agriculture and Education Departments. The Agriculture Department provides them for the sole benefit of primary producers, and most primary producers greatly appreciate and gain great benefit from these services.

The member for Stirling must be one of the few farmers in this State who has not received any benefit from the researches and experiments of departmental officers, because he stated (at page 726):

One of the things I have been given by scientists is superphosphate, and that was discovered before my time. Many methods advocated by the department are in common use by farmers before they are suggested by the department.

No doubt he and all other farmers have benefited by the production of new wheat varieties, by dairy research and by a host of other matters into which research is carried out and the knowledge passed on to farmers by extension officers and agricultural advisers, all of whom must be paid. Despite his efforts to twist my interjection to imply that

I was advocating charges for these services, he failed to do so. I remind the member for Gumeracha (Sir Thomas Playford) that he definitely misconstrued my remark, which was an attempt, difficult perhaps, to make the member for Stirling say something sensible and definite on where he stood on the matter of who paid for the services provided by Government departments for primary producers.

Speaking in this debate last Wednesday, the member for Gumeracha shed his usual quota of crocodile tears for the small farmer and small businessman, when it was apparent to all that, although he was, as usual, quoting the case for the little man, in reality his main concern was for the big man who was well able to pay the increases required under this Bill. Apparently, he has a fixation regarding the District of Chaffey, as he never fails to refer to the effect on Chaffey residents of legislation before the House at any time. The exemptions at present contained in the principal Act in respect of primary-producing land will be continued, and the only alteration proposed is contained in clause 5, which amends the relevant section of the principal Act (section 11) to convert the amounts shown from the old currency to decimal currency. The position will remain that land used wholly for primary-production purposes, with an assessed value up to $5,000, will be completely exempted from land tax, and the usual formula of assessed values between $5,000 and $12,500 will still apply.

My property of 22 acres, which is about the average size fruit block in the Upper Murray irrigation areas, is assessed at $3,420 and, being under $5,000 it will not be subject to tax. This condition would apply to about 90 per cent of fruit-growing properties in any district. During the weekend I questioned several growers in the Upper Murray, and the answer from each was, "I will not be subject to any tax and am not greatly concerned". The same position applies in the farming and grazing area of my district: the incidence of tax will rise from nothing to a minor amount. The landowners I spoke to are completely disinterested in and unconcerned with the present proposals, so that the attempts by the Opposition to stir up an outcry against land tax increases have fallen flat.

It is obvious from the differing views put forward by Opposition members at various times in this Chamber that they are as completely irresponsible in their approach to this Bill as they are to State finances generally. We were told by the member for Burnside that it was wrong for the Government to budget for expenditure before it had the money in hand. At page 592 of *Hansard*, she is reported as having said:

We on this side of the House were blamed for many things that did not come about last year. We were blamed for the financial deficit because we opposed some financial measures introduced into Parliament. It is foolish to budget before the money is in hand. By what process of feminine logic she arrived at that conclusion is beyond my comprehension. I have always understood that the Budget is an estimate of expected revenue and expenditure for a particular period, but the member for Burnside advocates that the money be in hand before any details of expenditure be given. The member for Gumeracha took the opposite view. He said (at page 735):

It is fundamental, in Parliamentary practice at least, that when additional taxation is to be levied it should be so levied in connection with the Budget, and that the Government should bring before the House its intended expenditures for the year. The taxation to meet those expenditures should then be approved, because that is the only real way of connecting our expenditures with the tax paid by the public. The Bill seeks to tax the people without their knowing how the money is to be spent. That is not the proper way to go about it, and I hope that we do not establish a practice of imposing a piecemeal taxation, followed at some time or other by a table showing what the expenditures will be.

Those remarks give a clear indication of the conveniently short memory of the member for Gumeracha, because in 1961 he, as Treasurer, did exactly the opposite of what he is now advocating. At that time the Land Tax Act Amendment Bill to fix new rates following the quinquennial assessment was introduced and passed by this House in August, but the Budget was not presented until September.

The Leader has placed on file an amendment to reduce land tax by one-fifth. For a supposedly responsible member of the Opposition to do this shows a very high degree of irresponsibility. After his criticism of the Government for the deficit incurred in the last financial year and his pleas for further spending by the Government to alleviate unemployment in South Australia, it is very difficult to fathom out whence he thinks the money will come to put into effect what he has asked for. It is high time that Opposition members as a whole got together and sorted out their differing views on finance generally and spoke with

one voice instead of there being the present babble of criticism to suit each particular matter before the House.

During the debate on the Loan Estimates last year members opposite followed one another with monotonous regularity requesting that more money be provided for various things in particular districts and criticizing the Government for not providing the money. They then opposed revenue-producing measures introduced by the Government last session, and with the help of their colleagues in another place reduced the funds available to the Government to carry out essential services. They criticized the Government for the deficit incurred, and when unemployment occurred they asked for more money to be spent to overcome the unemployment.

One member criticizes the Government for budgeting expenditure before the money is in hand and then another criticizes it for bringing in a revenue-producing Bill before the Budget. Where do we go and what do we do to meet the varied views expressed? No matter which way we go, we cannot win: we cannot be right at any time. I would class the present Opposition as irresponsible and opportunistic, and it shows a complete disregard for the welfare of the State. It has only one thought in mind—to hamstring the present Government by denying it essential revenue in the hope that it will win the next election.

The member for Burra (Mr. Quirke) has said that he supports the Bill, as he realizes that the Government must have revenue to carry out essential services. The member for Glenelg gave a very fair summing up of the Bill in his speech last week and, as he mentioned, the proposal to increase land tax by 37 per cent is not unreasonable when we consider the large increases imposed by the previous Government—a 70 per cent increase in 1956 and a 150 per cent increase in 1962.

The statutory exemption from tax for primary-production land up to an assessment of $5,000 will be continued under this Bill, and the reduction of the tax rate on general assessments under $10,000 are features of the Bill that have not been given any prominence by members opposite. Clause 4 introduces a new principle in that land owned by a council, the Garden Suburb Commissioner, the City of Whyalla Commission and the Renmark Irrigation Trust will be exempted from payment of tax. I think this provision is a worthy one, and I fully support it.

Over the weekend I spoke to several owners of small shops in my area whose assessments had increased slightly, and they all expressed satisfaction with the assessments and with the reduction in rates contemplated by this Bill. There will not be any great increases in the tax payable by these people. As I know the Treasurer wants this Bill to be passed as soon as possible, I indicate my wholehearted support for it and trust that it will be passed.

The Hon. T. C. STOTT (Ridley): Before dealing with the provisions of the Bill, I shall make one or two observations on the principle of land tax and the way it is applied. The principal Act provides that unimproved land values shall be assessed at the sum for which the land can be expected to be sold. That definition presents problems that are still evident in the present Bill, and should be further considered and altered. During the previous quinquennial assessment the obvious anomalies caused by assessing land on its unimproved value for land tax purposes were pointed out.

At the time, problems were encountered in regard to companies buying large areas, paying up to $2,000 an acre. As a result, a primary producer whose land adjoined such subdivisions was told by the Commissioner of Land Tax that, as his land could be expected to sell at a price similar to that paid for the subdivision, it would be assessed on the same basis. That anomaly led to an amendment to the Act, allowing the Governor in Council to proclaim that certain areas be assessed as agricultural land, on the undertaking by the owner that such land would be used for agricultural purposes. However, if that land were sold for subdivisional purposes the tax was to be retrospective. Certain assessments have increased enormously, pursuant to this Bill. Agricultural land often receives little consideration. On the other hand, under our present economic set-up, secondary industries are able to apply to the Tariff Board for an increased tariff that automatically increases costs to the consumer and the primary producer, the latter having no way to pass on those increased costs. The wheat industry is singular in its exception to this state of affairs. Primary industry should be able to pass on its increased costs, similarly to the wheat industry.

The Land Tax Department should define agricultural land as such, taking its productivity into consideration. Obviously, the Commissioner of Land Tax must have a formula for assessing agricultural land close to Adelaide, although I do not know what that formula is.

However, agricultural land throughout the State should be defined as such, with a uniform rate of land tax.

In his second reading explanation, the Treasurer said:

. . . whereas the assessed tax for 1965-66 was about $5,700,000, application of the 1965-66 rates to the new assessment would yield about $9,500,000. This is an increase of 67 per cent.

Earlier, he said:

The assessment shows an increase in the aggregate from $810,000,000 to $1,310,000,000 . . . The increase was on average about 20 per cent in the city of Adelaide, about 45 per cent in rural areas . . . and about 85 per cent in the metropolitan area . . .

Later, the Treasurer said:

The new rates proposed are simple to understand and simple to apply. They move in a steady progression from 2c for each $10 on land valued under $10,000 up to 38c for each $10 for values in excess of $180,000 held by any one taxpayer. The minimum valuation subject to tax will increase from $640 to $1,000 for it is proposed that, where the schedule would require a tax of less than $2, no tax at all will be payable. On present valuations up to $50,000 the proposed rates will be only 64 per cent of the rates that applied last year.

Some time ago at a meeting held at Wilmington, consternation was expressed at the increased assessment and, more particularly, at the fact that no suggestion had been made that primary producers' exemptions would be increased. The anomaly is perpetuated in the present Bill, as almost without exception assessments have increased. If the assessments should have increased (some have increased by over 100 per cent) obviously, it would have been fair to increase the minimum assessment also. If the total unimproved value of land owned is less than $5,000, it is fully exempted from land tax. If the total unimproved value of such land exceeds $5,000 but does not exceed $12,500, a partial exemption shall apply. The land tax paid for the last quinquennial period on the South Terrace office of the organization with which I am associated was $32,376. That assessment has now increased to $65,620 and, whereas the land tax paid last year was $172.44, it will be $367.44 for the current financial year. That increase of about 100 per cent shows how city assessments have increased. I have taken out the figures in regard to a certain farming property, comparing the previous rate of land tax with the present rate. On an assessment of $12,840 the farmer concerned, bearing in mind the 67 per cent mentioned by the Treasurer, would have paid $22.24 in 1965-66, whereas in 1966-67 he will pay $33.36. A property valued at $28,620 previously taxed at $74.47 will now be taxed at $111.72; a property valued at $39,270 previously taxed at $141.79 will now be taxed at $212.70; and a property valued at $78,300 previously taxed at $461.86 will now be taxed at $692.80. I have some figures for the district of Loxton, for which I am indebted to the son of the member for Burra, Mr. Johnny Quirke. Some apply to soldier settlers in the Loxton irrigation area. The figures are as follows:

Old. $	New. $	
1,952	3,900	
1,752	3,910	
1,344	3,090	
1,768	3,980	
1,552	3,700	
1,704	3,800	
2,112	4,960	
1,528	3,040	
1,920	4,270	
1,552	3,740	
1,856	3,700	
160	500	(only 10 acres)
472	450	

The Hon. G. A. Bywaters: They are all exempt.

The Hon. T. C. STOTT: That is the point I am going to make. In all these cases, notwithstanding the fact that in some instances the assessment is nearly doubled, because they are soldier settlers they will not have to pay any land tax at all. I have some figures of dry areas close to Loxton which show the difference between the assessment for soldier settlers in the vine fruit areas and those in agricultural areas. The following are the figures for the dry areas:

Old. $	New. $	Distance from Loxton.
1,864	1,860	adjacent
2,056	2,050	5 miles
912	930	adjacent
3,776	3,780	3 miles
5,120	5,150	5 miles
3,504	3,500	10 miles
1,664	1,660	10 miles
2,096	3,180	7 miles
1,720	1,720	7 miles
2,064	2,050	adjacent
2,256	2,950	adjacent

All those cases except one are exempt and will pay no land tax at all. I have a table of 16 cases that shows the increasing progression, which is a new feature of the Bill. I ask leave to have the table incorporated in *Hansard* without my reading it.

Leave granted.

[RATING]

No.	Old Assess. Amount	New Assess. Amount	Increased % Assessment	1964-65 Rate	1965-66 Rate	1966-67 Rate	1966-67 Aggregate Rate as against 1965-66
	$	$		$	$	$	$
1a	6,976	11,610	66.0	21.75	21.75	26.44	
1	8,128	12,840	57.0	25.40	25.40	31.36	
2	6,688	13,370	99.9	20.90	20.90	33.48	
2a	4,824	9,580	98.0	15.10	15.10		49.36 as against
2a	3,880	7,760	100.0	12.10	12.10		27.20
3	24,864	39,270	58.0	127.60	153.50		260.90 as against
3	4,264	6,820	60.0	21.89	26.30		179.80
5	2,824	5,650	100.0	No Tax	No Tax	No Tax	
5	1,912	3,820	100.0	No Tax	No Tax	No Tax	
6	51,856	78,300	51.0	387.79	497.75	692.80	
7	4,848	6,000	40.0	15.15	15.15		
7	2,088	2,610	25.0	6.50	6.50		22.50
7	1,760	2,200	25.0	5.50	5.50		as against
7	248	310	21.0	0.80	0.80		28.35
7	128	130	1.4	0.40	0.40		
7a	6,272	7,840	36.0	19.60	19.60	15.68	
7a	328	400	22.0	No Tax	No Tax	No Tax	
8	3,984	5,010	28.0	12.45	12.45		14.94 as against
8	1,984	2,460	24.0	6.20	6.20		18.65
9	8,616	17,230	100.0	26.90	26.90	48.92	
10	13,200	19,480	32.0	44.59	51.25	57.92	
11	1,424	2,840	100.0	No Tax	No Tax	No Tax	
12	18,720	28,620	51.0	74.38	93.90		142.40 as against
12	2,784	4,180	50.0	11.00	13.95		107.85
13	5,120	5,150	0.5	16.00	16.00	10.30	
14	3,712	3,720	0.2	No Tax	No Tax	No Tax	
15a	792	1,500	90.0	1.68	3.35		80.46 as against
15a	14,752	21,910	42.0	12.38	62.55		65.90
16	22,600	33,660	50.0	109.77	133.30		218.00
16	3,624	5,420	49.0	17.60	21.35		as against
16	600	900	50.0	2.92	3.55		159.05
16	144	200	39.0	0.70	0.85		
16a	3,040	4,570	50.0	9.52	9.50	9.14	

The Hon. T. C. STOTT: Members will see that the tax increases for the higher valuations. A farmer has been caused some concern because, with his sons, he has three holdings and has found that the whole of his land tax is aggregated. He will pay about $155 above his previous assessment because of the aggregation of the total tax on his properties. The increased tax for properties valued at $30,000 or $40,000 is not great but over that sum, up to $180,000, higher tax is paid. Again, I ask the Government to endeavour to have the definition of unimproved value put into shape so that land all over South Australia may be assessed as agricultural land. That would not mean that primary producers would not pay tax—they would, but the taxing would be fairer. If all land were assessed as agricultural land it would remove the anomaly that exists where subdividers close to Adelaide or in country towns sell blocks at excessive values, and people alongside them, who are not selling land, have to pay increased rates of land tax. I hope the Government will consider the points I have made.

Mr. RODDA (Victoria): The member for Chaffey said that the Treasurer wanted to get on with the Bill, so I will heed this advice and not delay the House for long.

Mr. Freebairn: Why do you think there is a great hurry?

Mr. RODDA: As I am not a mind reader I do not know, but I presume that the Treasurer has some need for the revenue. In his second reading explanation, the Treasurer said that there would be an overall increase of income

to revenue of 37 per cent as a result of the Bill. However, I find that I will be paying $6 less in land tax than I paid last year. When we considered a Bill last year to increase land tax rates, an increase in those rates for only 12 months was agreed following a conference.

Mr. Lawn: There is nothing to prevent you making a donation.

Mr. RODDA: I am feeling fairly expansive at the moment, and perhaps I will do that. I do not know whether to be grateful to the Government or to the people responsible for the situation in which the Government now finds itself. Generally, if there is an increase of 37 per cent and some of us find that we are paying less, it means that somebody must be taking up the slack. It would appear from what has been said that there is to be an increase of up to 85 per cent in the near city areas, and this must have a dampening effect on the expansion and development of the State because the industrial activity is most heavily accentuated in those areas.

Mr. McKee: Could the increase of up to 150 per cent by previous Governments have had any effect on development?

Mr. RODDA: I do not want to buy an argument with my friend from Port Pirie about something that would not help the Government out of its dilemma. Land tax and other charges always impinge heavily on pensioners and other people with fixed and limited incomes. The rebate of $1,000 will help, but immediately the assessment is above $1,000 they will have to pay $2. I make a plea for those people who, on their limited incomes, find it very difficult to pay even this amount, and I throw that in for some thought by the House. I support the arguments put before by members on this side, and I will support the amendments to be moved by the Opposition.

Mr. BURDON (Mount Gambier): Land tax is something that this State has had now for about 82 years. Triennial assessments were first introduced in 1884. This was altered in 1902 to a quinquennial basis, and that position has obtained right up to the present time. In the early days of the State there was a period when not a great deal of income was derived from land tax because land values did not change. However, we have seen dramatic changes in land values in recent years, and those changes have been accompanied by large increases in assessments. In the mid-1950's we saw rises of 40 per cent and 150 per cent, and in the 1960's we had a further increase of 70 per cent. Quite a bit has been said about the present Government's proposed increase of 37 per cent, but we have heard very little from the Opposition about the increases of 40 per cent, 150 per cent and 70 per cent it imposed in the last 15 years that it was in Government. I was interested to hear the member for Victoria (Mr. Rodda) say a short time ago that he would pay $6 less in land tax this year.

Mr. Rodda: I don't know whom to thank for it.

Mr. BURDON: I think the honourable member could be honest and thank the Government for the situation in which he finds himself.

Mr. Casey: That is the correct interpretation.

Mr. BURDON: Certainly it is the Government and not the Opposition that is reducing these rates. I have gone through a number of assessments in my district. I find that in one case the assessment on a block of land has increased by 100 per cent. Under the old assessment this landowner paid 25s. (this was at ¾d. in the pound), whereas under the new scale he will be paying $3.20, the equivalent of 32s. In other words, he has had an increase of only 7s. or 70c. I took out another assessment in relation to a shopping area. One person there will have his land tax reduced from $22 to $16, even though the assessed value of his property has increased by more than $2,000. In another case I found that a property which had been assessed at $84,000 is now assessed at a $27,000 higher figure, yet the owner will pay only about $280 more land tax this year. This means that he will be contributing an average of about $14 for each of 19 assessments. The minimum valuation subject to tax has been increased from $640 to $1,000 and there is an exemption for rural lands up to an assessment of $5,000. In addition, local government authorities are exempted from paying land tax, and I understand that these authorities have paid about $32,000 a year. Many people, including those on small farms and many house owners, will benefit from the fixing of the exemption at $5,000.

I understand that this is the first time for at least 30 years that there has been any reduction in the rate applying to values less than $10,000. The reduction now made in regard to these assessments is considerable, because the rate of 3.1c has been reduced to 2c for every $10 of assessment. Generally speaking,

all assessments increased by less than 60 per cent have not been affected, because of the lower rate.

Most of the matters have been covered by other speakers. I support the Bill, which is reasonable as a revenue-raising measure. Land tax was a source of revenue for many years when the present Opposition was in Government and not once did the former Government miss an opportunity to considerably increase revenue in order to finance development projects. If South Australia is to continue to develop, it will be necessary for the Government to raise increased revenue for public buildings and works.

Mr. FREEBAIRN (Light): I rise to give somewhat grudging support to the second reading of this Bill—grudging because I realize that the revenue is needed by the Treasury to enable the Government to try to meet some of its unfortunate deficit. The increase is needed to remedy some of the gross mismanagement of State finances for which the present Government has been responsible. As the Treasurer said in his explanation, the Bill provides for the application of the rates of land tax for the five years ending June, 1971. It is worth mentioning that, only because of the good work done by the Upper House, we were not faced with a much higher rate of land tax last year.

Mr. Rodda: I don't think the landholders in Frome would be so happy.

Mr. FREEBAIRN: No. As the member for Victoria has said, the good work done by the members of the Upper House in amending drastically the land taxation measure last year earned them many friends in the Frome District, and perhaps the members in another place indirectly did the member for Frome (Mr. Casey) much good. As anybody who owns property in South Australia knows, a quinquennial assessment was struck at July 1, 1965, and will stand for another five years. The Treasurer said in his explanation that the assessment had the effect of increasing the total assessment for land tax purposes from $810,000,000 to $1,301,000,000, an increase of about 60 per cent.

He was remarkably naive about the increases that would apply to various sectors of our community. He said that the increase, on average, will be about 20 per cent in the city of Adelaide, about 45 per cent in rural areas, and about 85 per cent in the metropolitan area other than the city proper. He went on to say that his assessors had estimated that a 60 per cent increase in land tax would increase receipts from $5,700,000 to $9,500,000. He was also generous in saying that this measure would increase the yield of revenue to the Treasury by a mere $2,100,000, instead of the $3,800,000 that would have been received if the other place had not done the good work that it did on the land tax Bill last year.

The Treasurer went on to try to justify the increase now being enacted, and the two statements that I shall cite from his second reading explanation show the Government's thinking. He said:

South Australian land tax collection was $5.30 a head in 1965-66, whereas the average of the other five States combined in 1965-66 was about $6.22. Allowing for the imposition of the rates now proposed, South Australia could expect to get about $7.15 a head in 1966-67, as compared with about $6.60 a head on average in the other States . . . The Treasurer uses the previous lower rate of land taxation in South Australia as his excuse for the 37 per cent increase to which this Bill will give effect. He goes on to point out that the yield in Queensland is very low. That is because most of the land in Queensland is not held on the freehold tenure system that we have become accustomed to and that we know so well in South Australia, but on leasehold tenure. I understand that the policy of the Australian Labor Party is not to have freehold land but to have some form of leasehold tenure. With such a form of leasehold tenure, there would obviously be no State land tax revenue and I cannot conceive how an Australian Labor Party Government would balance its Budget without State land tax.

Mr. Casey: Are you talking about the Australian Labor Party in South Australia, or in the Commonwealth sphere? You say it does not apply in Queensland as it does in South Australia.

Mr. FREEBAIRN: I was referring to State land taxation as it applies in Queensland and pointed out that most of the land in that State was leasehold, thereby yielding no land tax. I said that, if the Australian Labor Party's ideas about abolishing freehold ownership became a reality in South Australia (which every member of the Opposition would resent and resist), there would be no State land tax collections. I also said that it would be difficult for a Labor Government to balance its Budget without collecting land tax.

I will refer now to a speech made on November 11, 1952, by Mr. O'Halloran, a very distinguished Labor leader, when Leader of the Opposition.

Mr. McKee: Read the one by the present Leader of the Opposition!

Mr. FREEBAIRN: I cannot read out every speech made in this House, but I will read extracts from Mr. O'Halloran's speech because it illustrates the confusion of thought of members of the Australian Labor Party. Mr. O'Halloran said:

This Bill amends the Land Tax Act by the application of a progressive land tax for the purpose of increasing revenue. It is anticipated that about £207,000 additional revenue will result from the legislation—

I hope the House, and particularly the member for Chaffey, will note this increase—

£16,000 from rural landholders and £191,000 from urban landholders. Therefore, the great bulk of additional cost will be borne by a limited number of landholders in and around the metropolitan area.

Then Mr. O'Halloran, who was a respected Leader of his Party and was enunciating Labor policy, went on to say:

The Premier's proposal differs from Labor's policy in two important particulars. Labor believes in progressive land tax for the purpose of breaking up large rural estates—the larger the estate, the higher the rate of tax.

Then we come to this pearl:

It was not intended to be a revenue-producing tax.

Later, he said:

Secondly, a progressive land tax can only be justified on the assumption that it has some such purpose. Merely for revenue purposes, any tax on land should be at a flat rate. I think a progressive tax on the land is an unfair method of raising revenue.

Mr. Curren: The honourable member is urging for the big boys again!

The Hon. B. H. Teusner: The Labor Party has changed its mind on State aid. It has changed it on land tax, too.

Mr. FREEBAIRN: Almost every day the Labor Party changes its policy. In the last day or two, at a conference on the Gold Coast in Queensland, it changed its mind, and members opposite have to accept the policy enunciated on and directed from the Gold Coast.

Mr. Curren: Where is your policy enunciated from—the *Advertiser*?

Mr. FREEBAIRN: I shall refer now to the speech made by the member for Chaffey (Mr. Curren). I was pleased that he was in the Chamber long enough to make a speech, but he did not stay long enough to hear the member for Ridley (Hon. T. C. Stott) indicate the effect the increase in tax rates would have on farmers in his district. I was sorry he was not here to hear that, as he would have been alarmed at the effect on Murray River districts. When the member for Chaffey spoke on this Bill he suggested that the member for Stirling (Mr. McAnaney) was a farmer. However, the member for Stirling made it clear that he was an accountant and that he thought his role in Parliament was to help the Labor Party out of its financial mess. This House is fortunate to have his services in assisting the Government in financial matters. Last week the member for Frome (Mr. Casey) said that he was disappointed with the Leader's contribution to this debate. That was rather nice, but I hope he does not become too critical of the Leader, because we all know that the honourable member is angling for a Cabinet position in the Hall Administration when it takes the Treasury benches after the next election. He was sufficiently unwise as to boast about how much land tax he had paid over the years. He then referred to me, and said:

If I were as wealthy as the member for Light and his family, I do not think I would be sitting in the Chamber today.

That indicated his moral approach rather well. He was saying that, if he were a very wealthy man, sitting in the House of Assembly would be beneath his dignity, because, I presume, he just would not need the salary. When I park my poor battered old Falcon on North Terrace alongside the fine motor car owned by the honourable member I feel quite embarrassed. I do not know what sort of car he owns, but it is a huge car that projects about three feet or more further out into North Terrace than mine does.

Mr. Curren: What has this to do with land tax?

Mr. FREEBAIRN: It has everything to do with the speech made by the member for Frome. I give the Bill my faint blessing, and hope that in Committee we can make some sense out of its nonsense.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Imposition of land taxes."

The Hon. FRANK WALSH (Premier and Treasurer): I move:

At the commencement of the clause to insert "(1)"; and to add the following subclause:

(2) The amendment effected by subsection (1) of this section shall be deemed to have taken effect on the 30th day of June, one thousand nine hundred and sixty-six.

I move these amendments so that discussion may take place on certain other amendments. I ask the Committee to agree that, in the event of the amendment of the member for Torrens

being agreed to, the House has the right to make a consequential amendment to a proposal to include the word "paragraphs" instead of "paragraph".

Mr. COUMBE: I appreciate the Treasurer's courtesy and I agree to such action.

The Hon. FRANK WALSH: The amendments I have moved clarify the legislation, and show that it is necessary to have a new land tax assessment.

Amendments carried.

Progress reported; Committee to sit again.

DRIED FRUITS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

HOUSING AGREEMENT BILL.

Returned from the Legislative Council without amendment.

ABORIGINAL LANDS TRUST BILL.

Adjourned debate on the motion of the Minister of Aboriginal Affairs:

That this Bill be now read a second time, which the Hon. D. N. Brookman had moved to amend by striking out all words after "That" and inserting "the Bill be withdrawn and that a Select Committee of the House be appointed to inquire into and report upon all matters appertaining to the occupancy of Aboriginal reserves".

(Continued from July 26. Page 673.)

Mr. McANANEY (Stirling): I support the amendment moved by the member for Alexandra: this is a complex problem, and a Select Committee will consider various aspects and perhaps improve the Bill. I live in an area that was originally the hunting ground of the native Australians, but now there are few in the area. My parents went to school with Aborigines who were given certain opportunities, and facilities were provided for their education. Although it is claimed that a spectacular change is taking place, I am unable to see any improvement, but it is now intended that a trust shall control the lands. I do not oppose improvements in conditions for Aborigines, and many of them are now taking their normal places in the community. Last Saturday I saw an Aboriginal playing in an orchestra at a dance: he is a useful citizen, and Aborigines should be encouraged to join in community activities. I cannot see any dramatic change that has taken place because of the action of the present Government.

It will be difficult for many Aborigines to take over land. If 75 per cent of white people who have not been trained on the land were placed in a similar position to the Aborigines, they would find it difficult to survive. To be successful on the land one must work long hours seven days a week, and save a large proportion of any profit to be used for future development. It would be difficult for many people, irrespective of the colour of their skin, to succeed on the land unless they were prepared to work hard. However, the opportunity should be given to Aborigines, and perhaps this legislation is a step in the right direction. If people are not given responsibility how can we know whether they can accept it? Responsibility brings out the best in people. There is no point in pouring cold water on the proposal by saying that it will be unsuccessful because the Aborigines are not suitable people. At least, they should be given the opportunity. The legislation provides that the trust shall consist of a chairman and at least two other members appointed by the Governor. I do not favour that proposal: it discriminates against the natives by not allowing them to select the representatives. Government is through the Governor's appointing these three members of the trust. These natives of Australia should be given the opportunity to elect all the members of their board. The Bill states that the Aborigines reserve councils are to be appointed under the regulations under the Aboriginal Affairs Act. I understand that these regulations are still to be promulgated. We members of Parliament should know just what form these nominations or elections will take and how democratic they will be. Judging by our experience of the last Bill dealing with electoral boundaries, the elections could be in any shape or form, vague and totally unjust. We need more information on these matters. The Aborigines themselves should have the right to elect the first three members of the trust.

I take it this Bill deals with land, and that any profits will go into purchasing more land for the development of the orginal land. I do not think these profits will be excessive unless we discover mineral wealth in the land, in which case immense wealth may accrue from it. In that case, it would be better if such wealth coming from the discovery of minerals could benefit all Aborigines instead of merely the development of the land. That would be a great improvement because, if these natives of Australia are to take their proper place (as we hope they will, and the sooner the better), a large amount of money will be required for

their education and other facilties. Without interfering with human liberties, I do not know how we would do it. There are difficulties with some children in the schools; they reach a certain stage in their education and then revert to more primitive conditions, the education gained then being lost. I am looking at it from a practical and humanitarian point of view. I am all for educating these people. We must give them the greatest opportunities in that direction. The children are the ones with whom we shall make the greatest headway but, if they are to return to the conditions in which their parents found themselves, their education will often be lost. How to overcome that problem without the loss of individual liberty to the children is a serious matter. Something could be done about it.

I have not had much experience of dealing with Aborigines but I realize they must be treated as equal human beings; we must give them as many facilities as possible. Although we can see the difficulties that can arise through this trust, we hope it will be successful and that the Aborigines will be given every opportunity to control their own affairs in the best manner possible. I know that at a place like Point McLeay there will be difficulties. If it is made an open village, problems will arise there but, unless the Aborigines are given responsibility and opportunity, provided they themselves want it, they will never achieve progress. We must accept any risks involved. One lesson that life teaches us is that we must do things and take responsibility, and even make mistakes at times, if we are not to stagnate. There may be doubts whether this scheme will succeed. However, I support the Bill. An investigation on the lines of the amendment would, I am sure, reveal more facts that would help Parliament in making a decision on this trust.

The Hon. Sir THOMAS PLAYFORD (Gumeracha): When I got leave to continue my remarks when this Bill was before us in the last session, I did not realize that it would be so long before I could conclude the excellent statement I was then making. In the intervening period the views I expressed then have not changed. The more I have been able to study this problem, the more convinced I am that this legislation needs keen examination by this House. Therefore, I strongly support the amendment at present before the House. Many things in this Bill are not explained by the Minister. Indeed, I think it would be difficult to explain them. I want to touch briefly on only one or two things. If there is some explanation for them, it would be nice to have it. In the meantime, if the matter is not referred to a Select Committee (and I hope it will be) I intend later to move amendments to the Bill to meet the particular problem that I see in connection with it.

I personally do not have much view to express upon the value of the Bill regarding the more sophisticated settlements. In the case of settlements that have been established over a long period, there is probably some case for the Bill submitted to the House, but even there I find as a result of direct representations to me that there is much opposition to the Bill, even in those places (and probably among the Aborigines themselves) where we would not have expected it. I doubt whether the Aborigines themselves in the more sophisticated settlements if they were left to their own free will would accept the provisions of this Bill.

Let me deal with one or two remarks made by the Minister who intervened on this subject—not the Minister in charge of the Bill but a Minister who cast many aspersions on the Opposition in connection with it. He seemed to consider that the Opposition was opposed to land being available to the Aborigines, that we were opposed to the Aborigines having any rights. However, let me point out that it was during the period of a Liberal Government that for the first time in history, as far as I can discover, large tracts of land were actually bought for the purpose of providing better opportunities for Aborigines. Indeed, the Aborigines living in deplorable conditions at Ooldea were resettled at Yalata as a result of a purchase made by my Government for the express purpose of giving them areas that were much better to live in than they could possibly have had in the barren Ooldea district. Indeed, a large tract of land was, after I had personally inspected the conditions, withdrawn from the provisions of the Pastoral Act and made available for the occupation of Aborigines. Prior to the last election the former Government undertook what was to bring about (and I hope will bring about) a successful development in the cattle industry specifically for the benefit of Aborigines.

The suggestion made by the Minister of Education that the Opposition was opposed to the Aborigines merely because we happend to criticize features of the Bill was completely unwarranted. Indeed, some of the language used by the Minister was completely intemperate and inappropriate to the occasion. Clause 5 (2) provides that the trust shall have

power to "dispose of property of every kind", which is a complete reversal to the policy on Aboriginal reserves laid down over many years. If the Minister of Aboriginal Affairs looks at the Aboriginal Affairs Act, 1962, he will see that section 15 lays down the duties of the Minister, paragraph (*b*) providing that he shall "manage and regulate the use of all reserves, but not so as to alienate any portion of such reserves from the use by Aborigines or persons of Aboriginal blood". Whereas other sections of the Act gave the Minister wide powers, one provision was a complete embargo.

The Hon. D. A. Dunstan: Actually, that was inserted as the result of an amendment moved by me.

The Hon. Sir THOMAS PLAYFORD: I am happy that the Minister had that view and I hope that, having wandered around in the wilderness, he will now come back to it, because Aboriginal people who have contacted me about the Bill have expressed alarm at the fact that they might be denied the use of lands which they have previously had. Under the Bill, lands that have been enjoyed by Aborigines will possibly be leased to one or two families, to the exclusion of many other people. Indeed, an opinion prevails that such a likelihood exists. Unless the trust develops areas of land by leasing, why is the power included? Another provision in the Bill enables the new authority to mortgage or to raise money on the reserves, but I strongly oppose the alienation of any of these reserves. I could not express an opinion in regard to the more sophisticated reserves on which Aborigines have been in more contact with civilization than have others, and are consequently able to look after themselves better than those without that experience. I do not think a power to dispose of a reserve should be included in the Bill. The Bill provides:

> The trust . . . shall have power in its corporate name to receive, accept, hold, acquire by means of agreement, or exchange, possess, and to dispose of property of every kind and be a party to any legal proceedings.

I strongly oppose that provision, and believe that a Select Committee should examine the necessity for the Minister, in such a short space of time (since 1962), to turn a complete somersault and nullify a good provision for which he was evidently responsible. I do not understand clause 5 (3), and I do not know whether the Minister, himself, knows the effect of its wording. It provides:

> Every court and every person acting judicially shall take judicial notice of the seal of the trust and when the seal appears on any document shall presume that it was properly affixed thereto.

Does that mean that the court must accept that the seal has been properly affixed? Does the presumption go to such an extent that a matter cannot be placed before the court?

The Hon. D. A. Dunstan: No.

The Hon. Sir THOMAS PLAYFORD: I assume, then, that the Minister is saying that the seal will be presumed to be properly affixed in the absence of evidence to the contrary.

The Hon. D. A. Dunstan: That is implied; it is a standard clause.

The Hon. Sir THOMAS PLAYFORD: I have asked three or four legal people what it means, and have received varying answers.

The Hon. D. A. Dunstan: They evidently have not looked at the cases.

The Hon. Sir THOMAS PLAYFORD: I hope it means (and I think it should mean) that it can be questioned at any time.

The Hon. D. A. Dunstan: There is simply a presumption.

The Hon. Sir THOMAS PLAYFORD: If it were a company and the seal of the company were upon a document, anyone could challenge at any time whether the seal was properly on the document. Why should this provision be in the Bill? The Minister looks pained as he always does when a question is put to him to which he does not know the answer. I believe the provision in the Bill is ambiguous and should be clarified. Clause 6 provides:

> The trust shall consist of a chairman and at least two other members appointed by the Governor: Provided that the Governor may whenever he thinks it fit so to do appoint additional members not exceeding nine upon the recommendation of Aborigines reserve councils constituted pursuant to regulations under the Aboriginal Affairs Act, 1962. No such council may recommend more than one member for the trust at any one time and thereafter shall only recommend a member to fill a vacancy caused by the vacation of office by or retirement of a person whom it has previously recommended. Each member of the trust shall be an Aboriginal or person of Aboriginal blood within the meaning of the Aboriginal Affairs Act, 1962.

If I understand that clause correctly, it means that the first three people on the trust will be appointed by the Governor. However, the Governor may or may not appoint other persons recommended. Although the Aborigines reserve councils have the right of nomination to the trust, this right does not mean that their nominees must be appointed. In other words, although on the face of it Aborigines control

these lands, in fact the trust is clearly Governor-appointed. Although I do not suggest for a moment that it would be the policy of this or any other Government to ignore the reserve councils completely, the fact remains that the persons the councils nominate are not appointed automatically. I am not sure whether the Governor must necessarily accept a nomination; he could probably appoint somebody who was not nominated.

The Hon. D. A. Dunstan: No.

The Hon. Sir THOMAS PLAYFORD: The Minister has already made up his mind on that matter without hearing what I was going to say about it. The reserve councils appear to be of very doubtful legislative validity. They are constituted pursuant to regulation under the Aboriginal Affairs Act. However, there is no such regulation, and my legal advice is that there is no power in the Aboriginal Affairs Act to make the regulations. The Minister signifies that he does not agree with me. When the Aboriginal Affairs Act was passed, no suggestion of reserve councils was made, and they are not referred to in the Act. No provision exists in the Act for regulations to establish councils, and their establishment up to the present has been brought about administratively, in the same way as advisory committees are appointed. It appears that regulations cannot be made to establish the councils upon which this whole legislation is based. Again, this is ample reason to appoint a Select Committee to examine just what is the position.

The reserve-making powers are set out in section 40 (1) of the Aboriginal Affairs Act. There are about 10 provisions (which I have read carefully and which I have had examined by people qualified in the law), and none refers to the establishment of councils for the reserves. The Minister must be relying upon the preamble to the section which deals with any matters that are contemplated, required or permitted to be prescribed. Councils were not required or contemplated at the time the Act was passed. No Aborigines reserve councils were provided for nor were they considered. The former Minister of Aboriginal Affairs will confirm that no suggestion about these councils was made at that time. As I said, it appears doubtful to me that the regulations can be made. Irrespective of whether or not councils can be established legally, in many cases the degree of justice to the Aborigines is open to doubt. I do not understand what is behind clause 6 (3), which provides:

Any member of the trust may at the expiration of his term of office be re-appointed for one further term of three years: Provided that a member who has held office for two consecutive terms shall not be eligible for appointment or re-appointment until the expiration of three years after ceasing to hold office for two consecutive terms.

I cannot see that this provision has any useful purpose. It is, in effect, instructing the reserve councils that they must not nominate any person more than twice. A person may be the most suitable to represent an area, and he may have the complete confidence of everyone in the area, but the Bill prescribes that he is not to be nominated more than twice. We do not say that a person cannot be a member of this Parliament for more than two terms. What possible harm can there be in a successful administrator, who enjoys the confidence of the people in his area, being nominated to the position for a third time? In fact, I would have thought considerable advantage would be gained in such a nomination. I cannot find any precedent for this type of provision. The United States of America has a precedent that a President shall not hold office for more than a certain number of years, but that is a precedent of custom rather than of law.

Mr. Millhouse: Previously it was only a custom, but it is now a precedent of law.

The Hon. Sir THOMAS PLAYFORD: I know that it was a precedent of custom for a long time. Frankly, I do not know what the Minister is trying to achieve by this prohibition, although no doubt there is some motive behind it. I do not know whether a position such as this is to be regarded as a plum of office to be circulated, and in any case I would not have thought that was a good reason for such a prohibition. Frankly, I do not know how such a trust is to be appointed. However, those who nominate people for the trust would surely take into account whether or not a man was giving effective representation to an area. I presume there is some reason for the provision and if we had a Select Committee to inquire into these things the Minister could no doubt justify it.

The Hon. D. A. Dunstan: I shall be able to explain it to the House.

The Hon. Sir THOMAS PLAYFORD: I am glad of that. The other matter on which I should like some enlightenment is the meaning precisely of provisions relating to the Mining Act. As I understood the Minister's second reading explanation of the Bill, exploration leases under the Mining Act have been granted, particularly in the North-West area.

The Hon. D. A. Dunstan: They have been granted under the Mining (Petroleum) Act.

The Hon. Sir THOMAS PLAYFORD: Yes. As a consequence, the Government has considered that it would be a breach of contract to take any legislative action to deprive the lessees of these exploration leases, and with that I entirely agree. Many of those people have spent considerable sums of money in connection with the leases (although not necessarily on this particular part of their leases), and I think it would be entirely wrong for the Government (and fatal to the reputation of this State) to over-ride a lease by an Act of Parliament. I understood also from the Minister that in the event of petroleum products being found the royalties would go not to the Government but to the new authority.

The Hon. D. A. Dunstan: That is so, if the land had come under the new authority.

The Hon. Sir THOMAS PLAYFORD: Yes. That looks to be fairly clear. However, if I remember rightly, the exploration leases under the Mining (Petroleum) Act were provided for only 15 years, and I believe that probably 10 years of this period has elapsed and that the leases now have only five years to run. I make it clear to the Minister that I am speaking only from my general belief. If oil or gas were found the company that had the lease would take out a mining lease under the Act and the royalties would be paid to the new authority. However, as far as I can see, if the 15-year period has elapsed before any gas or oil is found there is no power in this legislation for any mineral leases to be granted. The fact still remains that all the minerals in this area, including petroleum, are and remain the property of the Crown, irrespective of whether or not the land is leased or sold. This Bill merely prevents anyone from successfully exploiting them, even though he may be working with the goodwill of the trust.

The provisions dealing with leases already in operation are set out fairly clearly but I cannot find any provision that will enable effective use to be made of mineral rights if an exploration lease is allowed to lapse at the end of the 15-year period. The Minister has made crystal clear that the Mining (Petroleum) Act does not apply. We know the position regarding all minerals and petroleum in this State, except those covered by a limited number of titles taken out by the old South Australian Company. Those titles gave the landowner the mineral rights also and, as honourable members know, difficulty has arisen when the land has been sold but a residual right in the minerals has been held by someone else.

The Minister knows the problem, and much legislation has been passed in a endeavour to overcome it. I can find no provision authorizing the trust to undertake mineral leases and, without a clear definition of what we are transferring to the trust in mineral rights—

The Hon. D. A. Dunstan: That is in proposed section 16 (2).

The Hon. Sir THOMAS PLAYFORD: I shall look at that section. What I have said is not my substantial objection but merely my comments regarding drafting, definitions and what the House should decide will be the rights of the trust. My substantial objection refers to the large reserve in the north-western portion of the State, adjacent to the reserves established by the Commonwealth in the Northern Territory and by the Western Australian Government on our western border. The whole concept was that the area, which was dedicated for the exclusive use of Aborigines, would be set aside so that the Aboriginal people could roam and hunt as they desired. Many of these people are completely unsophisticated and are not located exclusively in the South Australian reserves: they wander over a large area of Central Australia.

How is it possible for an authority to give effect to the desires of such people? How could such an authority be set up? The Aborigines concerned do not necessarily belong to the same tribe. They are nomadic and, naturally, have come in contact with white people in the last few years. Many of them cannot read or write and have not advanced with the passing of the years. How can these people give an intelligent adjudication on whether the new trust to be set up in Adelaide will give them more assistance than they are receiving today?

They have no means of making a comparison or of giving an intelligent opinion on the matter. I hope the amendment moved by my colleague will be accepted. If it is not, I propose to move that the large reserve in the north-western portion of the State shall be completely excluded from the operation of the trust unless a resolution is passed by both Houses of Parliament enabling it to come under the control of the trust. I hope it will be many years before any attempt is made to deprive these people of the century-old right to hunt over the area. What authority have we to take away that right of collective use

and to put the reserve to a much narrower use determined by the trust that will be set up?

This great Aboriginal reserve would be cut up into perhaps four cattle stations before one had time to turn around if it came under the control of the trust. The Minister shakes his head and looks hurt, but how does he know what the trust will do? He is giving the trust power to lease the reserve or to dispose of it.

The Hon. D. A. Dunstan: It cannot lease it or dispose of it without my consent.

The Hon. Sir THOMAS PLAYFORD: The collective use that the Aboriginal people have will be a narrower use and a limited number will have richer enjoyment of it, while the vast majority will have no enjoyment of it at all. I make no apology for saying that. I saw the reserve when it was completely primitive in 1937 and 1938 and have seen it since and I say without fear of contradiction by anyone with a knowledge of the reserve that to take it away from those people would be entirely improper. If that is not the intention, there will be no objection to my proposed amendment. If there is an objection to it, we shall know immediately that there is a desire to take the reserve away from the Aborigines. If this provision remains, I shall be completely opposed to the legislation. Aborigines in the nearer settlements have had closer contact with civilization and have gained sufficient knowledge of our ways and the administration that will be necessary in this matter, but the people on the North-West Reserve have not yet reached a stage of sophistication that will enable them to express a view. However, if they understood what they were being asked to do and their opinion were sought, I am sure that not one of them would desire to lose his prerogative over this big area.

I hope the amendment moved by the member for Alexandra will be accepted. This is not a Party-political matter, and I believe members on both sides wish to do all they can for the advancement of the Aboriginal people. If his amendment is carried, the next step will be to set up a Select Committee to consider the best way to deal with this matter so that, instead of having one person's ideas, we shall have the collective ideas of the people best suited to advise. This problem needs very much study. The Government has found it necessary to carry out numerous inquiries on miscellaneous matters, so one would think that it would have instituted an inquiry into this matter, in which integrity is involved. The inquiry sought by the member for Alexandra would not require the payment of high salaries or fees. The fee paid to honourable members is either $2 or $1.50 a day, which is moderate compared with the fees paid in relation to inquiries of less moment. This matter should be dealt with by a Select Committee, which would be non-Party and which would be able to consider all matters placed before it.

I believe the North-West Reserve should be excluded completely from the authority of the trust. If the Government wants to give additional lands to the trust, the Minister of Lands is the obvious person to approach, as the leasing of Crown lands is under his jurisdiction. However, we hold proprietary rights over only a small portion of this area, as I believe the areas in Western Australia and the Northern Territory each exceed the area in South Australia, although in recent years the area dedicated in this State has been increased. This reserve was set up because of the criticism levelled against this country that Aborigines had had no place that was exclusively their own. Although in recent years officers of the Weapons Research Establishment at Woomera have been given some rights to go through the area and in relation to mineral legislation there has been some breaking down of the prohibition against entering the area, it is still a closed area to everyone else. I am pleased that the present Government has carried on an administrative procedure that has been in operation for a long time and has not easily given approval for people to go into the area. People should not be allowed to go there merely because they are curious; they should be able to go there only after their good character has been established and they have given a good account of their reason for wanting to go there. I ask the Minister to agree to a Select Committee to examine this matter, to see whether the legislation is satisfactory in every way, and see whether Aborigines, particularly the more sophisticated of them who live in the closer areas, have any views on it. I believe the North-West Reserve should be excluded from the legislation until Parliament, by the expressed resolution of both Houses, agrees that the time has come for some change to be made. I believe this is the proper procedure, and I hope it will be followed. If it is not, I will oppose the Bill.

Mr. RODDA (Victoria): I do not profess to know much about Aborigines, as I have not been closely associated with them. However, in recent months I have got to know some of them in my district. As the Minister said, Aborigines occupied this country for many

centuries before the white men came. When colonization took place, their way of life was changed. Now they have no land to call their own. The Minister said this Bill would give back to them some of the things they had not enjoyed since colonization. I know something about land settlement and land use and, as a member of this House, it is my duty to consider problems affecting Aborigines. They are God's creatures the same as we are, and should have our regard. The member for Albert traced the history of Aborigines and their way of life, and said that they had not been cultivators of the soil but were a nomadic race. Today, Aborigines have shown that they can study and can assert themselves in our society. If one of that race can do it, all Aborigines, given the opportunity, should be able to take their place in our society. Taking a broad view of the legislation and the problems associated with it, I consider that an investigation by a Select Committee may provide a better solution.

The Minister said that much research work had been done, but if a Select Committee considered the problems perhaps a better deal for Aborigines might be evolved. I should like to hear the Minister reply to suggestions that have been made on this aspect. Aborigines in the various parts of this State have reached different stages of assimilation. In my district several families have settled down, and their children are progressing at school and doing as well as white children. They mix freely with their schoolmates and we must take an interest in them when they leave school. The drinking habits of Aborigines, who move from job to job in my district, have created a problem. Perhaps a resident welfare officer would assist the local people who are concerned about it, although it is part of the problem of assimilation of these people. The member for Yorke Peninsula spoke about Mr. Tim Hughes, an Aboriginal who is quite a personality. I know him well. Having been allotted a war service settlement block, he worked his land and has done well. He will not be the next Nuffield scholar, but he is not the worst settler on the land in the South-East.

The Hon. D. A. Dunstan: He is a very good bloke.

Mr. RODDA: He is, and he is a Military Medal winner. He is a friend of mine.

Mr. Ryan: Is he the only one?

Mr. RODDA: I thought I had two: Mr. Hughes and the member for Port Adelaide, who, I hope, is not going to make a public declaration. Mr. Hughes possesses a keen sense of humour. Several years ago at an Anzac Day function, a notable person from New Zealand, interested in Tim being a Military Medallist, asked him what he did in civilian life. Tim Hughes said he was the harbour master at Lucindale! Admittedly, we were having a wet year, but he smartly got his message over. He is a fine specimen of his race. The Minister, when replying to an interjection from the member for Yorke Peninsula, said that it was not the purpose of the Bill to set up farms. I have read the table the Minister provided and, with my experience in cutting up land for farms, I should not like to be the officer whose job it was to cut up the reserves into farms. The purpose of this Bill is to give to Aborigines land to call their own. Implicit in this provision is the problem of assimilation, and I am sure that the Minister, with his great learning and wisdom, appreciates that difficulty.

I attended a meeting on Eyre Peninsula at which loud protests were made by those attending. They said hard things about Aborigines, most of them relating to the drink problem. I do not know the answer to it, but we have to recognize that it is present. The former Superintendent of the Koonibba Reserve, who was at the meeting, spoke of the problem of Aborigines and drink. Setting up a lands trust will not solve this problem, which causes some difficulties in assimilation. I am not an expert nor am I qualified to express an opinion on this problem, but, as a member of Parliament, I have responsibility to see that these people (particularly the younger ones like those living at Penola and Naracoorte) are given a chance in life. This would be doing something for our fellow creatures. To do this, the Minister, in his wisdom, should appoint a Select Committee to advise on what can be done for these people, who were in this country before we were.

Mr. SHANNON (Onkaparinga): I want to give my reasons for supporting the member for Alexandra (Hon. D. N. Brookman) in his move for a Select Committee. There are two major aspects of this Bill that will have far-reaching effects upon the Aboriginal population of the State. The Minister interjected a few minutes ago, when the member for Gumeracha was speaking, that "it would not happen while he was Minister", that he would not permit the disposal of properties purely for profit by the lands trust. I agree that it is not the intention of this Bill, but the present Minister will not be here for ever. Times change and Ministers take different offices at different times. He

himself could hold another office under the Crown, and some other member of his Party could hold his present office. I am worried that the powers granted to the lands trust in this matter of land disposal could involve more than land that might be acquired hereafter: it could involve land already vested in the Department of Aboriginal Affairs.

There are fears about the reserves already set aside, that Point Pearce and Koonibba and others could be involved. I do not think they will be, but we are granting this power to the trust. Another power granted to the trust with which I entirely disagree is that of restricting the moneys coming to the trust from being used for any purpose other than developing land for the Aborigines. There are other things at least just as important, if not more important.

Mr. Ferguson: More important.

Mr. SHANNON: I think more important, in some ways. The money could be better used for welfare than for mere investment in land, which might or might not be capable of being put to economic use by Aborigines. Some of them have made a success of land ventures, some in small businesses. I am aware of that and applaud it. I do not oppose the Bill on that ground. There is some merit in giving these people the opportunity to improve their economic circumstances. That is one of the reasons motivating the Minister in this proposal (he has that in view) but I am worried that we are giving the trust, whose members cannot be prejudged because we do not know who they will be, too much power. We do not know whether they will be wise in their own generation. I am not too sure that, as Ministers come and go, we are wise in putting such broad powers at the disposal of a body of people not yet appointed. I have grave reservations about that.

As far as the rank and file of the Aborigines are concerned, under the 1962 Act the department was given wide powers to assist the Aboriginal in getting established in a small business or even on the land. The member for Yorke Peninsula (Mr. Ferguson) told us of his first-hand experience of people from Point Pearce operating as share farmers, gathering large sums of money from their activities in that direction and being advised by practical farmers on Yorke Peninsula how they could invest that money in land to set themselves up; but it was not long before the money they had accumulated was spread amongst all their friends and relations. The Aboriginal's general approach to life is that, if he has the luck to have a little more than his fellows, he shares it with them. It is a good outlook. It is a pity we cannot all have that. The world might be a better place to live in if we all had that outlook of help for our fellow men that, apparently, is inbred in the Aboriginal. It arises, possibly, from the conditions under which he had to survive in the harsh country as it was before the white settlers came. When he lived in his tribal areas, he had a tougher time than we have. I guess that survival was the only thing that concerned him and his tribe. So it is understandable that the philosophy of these people is: "I am fortunate today but I may be in trouble tomorrow. I will share my good fortune in order that I may survive." That approach is laudable; it is a characteristic of the Aboriginal.

As regards the other avenues open to helping this section of our community, I think it was the member for Burra who said that many Aborigines had a particular bent for mechanical things, that they quickly learned the ins and outs of any mechanical devices, from the motor downward. They are nimble with their hands and become skilled in using them. There is scope for that gift in our society, and we should encourage it. Any special gift that a person possesses should be encouraged. Let him follow his bent. He will do a better job for society and will be a happier man. After all, the pursuit of happiness is a main object in life. We could expect to give some of these people not only self-respect but a feeling that they were doing something of value to the community, if we encouraged their various bents. But it is no use trying to turn them into commercial people: they are far from being that. They have opposite instincts to those of the average commercial go-getter who wants to collect the world's goods at all costs. That is not inherent in the Aboriginal: he has not the urge to accumulate. To try to give him opportunities for the accumulation of worldly goods is the last thing he will appreciate.

He will appreciate better an opportunity to give useful service. He should be made to feel that he is of use to society and, at the same time, is making sufficient provision for his family. They are directions in which I believe we can expand our services, and particularly in the field of technical education where the Aboriginal could profitably be given greater opportunities to learn. I do not intend to cover the whole scope of this far-reaching Bill, but I believe the House would be wise to accept the motion moved by the member for Alexandra

and appoint a Select Committee. If that committee's investigation were to justify the Bill, no harm would be done; on the contrary, some good would come out of it. In fact, I think that if I were the Minister in charge of the Bill I should be pleased to have such support. I think no doubt exists that with some minor adjustments the general policy pursued in this Bill would be improved by the committee. I support the Bill for the present, as well as the honourable member's motion. However, I object to certain powers being entrusted to people associated with the trust; we should deny the trust the right to sell existing Aboriginal reserves. I do not object to establishing more reserves, but I should circumscribe the authority of the people concerned to dispose of established reserves. Indeed, with the passage of time, such authority may prove harmful to the Aborigines. A reserve is home to many third-generation Aborigines, whose fathers and grandfathers may have been born there.

The Hon. D. A. DUNSTAN (Minister of Aboriginal Affairs): I am grateful to honourable members for their consideration of the Bill. I ask the House to support the motion for the second reading and not to agree to the amendment put forward by the member for Alexandra. It has been suggested during this debate that spectacular results for Aborigines have been claimed for this Bill, but no such spectacular results have been claimed. That is not suggested by the Government or departmental officers who recommended to the Government the policies contained in the Bill. The creation of an Aboriginal lands trust was not my idea: it was an idea advanced by many people in the Aborigines' field and enthusiastically espoused by senior and experienced departmental officers. This idea was advanced not as a way of solving all Aborigines' problems, or as a measure that would immediately give to South Australian Aborigines vast new areas of enterprise but as a way of ensuring for Aborigines their rightful status in the community as people owning their own land and making the relevant decisions in relation to their own future in respect of the lands that they held.

The Bill is another way of saying to Aborigines in this State that we do not regard ourselves as people who know better than they what their future is. We should not, as a people, adopt continually a paternalistic attitude towards Aborigines, for Aborigines bitterly resent that, and so would we in their circumstances. One of the important things coming out of this Bill is not the fact that, as a result, some Aborigines will be settled on the land, for I believe those people would be settled on the land whether this Bill were passed or not. The important thing is that giving Aborigines' rights to hold their own land in their own names and to exercise their own minds on decisions in relation to that land (not being told by us, some Minister or departmental officer what their future should be, but enabling them to make up their minds for themselves) has produced among many Aborigines in South Australia for the first time a sense that their rights in the community as equal citizens (as the original inhabitants of this place, and as human beings in their own right) are at last being recognized. The chip on the shoulder of many Aborigines, as a result of their treatment over many years, since the inception of this colony, has tended to lessen, with the realization that here at last some of their requests for the right to own and control their own lands will finally be granted.

This question is not in a large compass, and I do not believe that anything significant could come out of a select Parliamentary inquiry. If honourable members are interested in the particular problems related to Aborigines, plenty of opportunity exists for them to inform themselves; there is a vast literature on the subject, and material resulting from research work is continually being published. If honourable members are interested in the publications of the Institute of Aboriginal Studies of the Research Institute of Monash, they are freely available to them. I am somewhat surprised, from the interest that some members have shown in Aboriginal affairs in this debate, that they have not seen the papers, including one on this particular proposal, which were recently delivered at Monash Research Institute.

I can see no good coming out of a Select Committee's inquiry, and no additional information beyond that presently available. If honourable members opposite have not, so far, apprised themselves of the situation at the various reserves in South Australia, or of the information available from research studies; or if they have not been in touch with departmental officers (and I invited them to contact officers of the department and the board if they wished to do so), I do not believe that the Bill should be delayed on that score. Ample opportunity has existed for members opposite to obtain all the necessary information in relation to this matter.

I regret that, at the outset of this debate, unpleasant personal motives were ascribed to the Government, and to me particularly, in relation to the Bill by some members opposite. I am gratified that those remarks have not been repeated in the later stages of the debate. I see no necessity to defend myself before the House for my interest in the Aborigines which has been of long standing indeed, and entirely unrelated to any question of personal kudos. I regret that things of that kind were said in the House, for I introduced the measure, having obtained the Government's agreement on the department's recommendations, because the Government believed that the measure was right. Indeed, that is why it is here today.

I should like to deal with the points that have been raised by some members opposite in this debate. The member for Alexandra (Hon. D. N. Brookman) said, "When will the North-West Reserve be brought under the trust?" At the moment, frankly, it would be impossible to say, but I can at least say that it would be unlikely to be brought under the trust for a considerable time. Of course, it is not the case that a reserve council could not be established in the tribal reserve areas. Indeed, the Superintendent at Yalata has had a tribal council appointed by a meeting of the Yalata residents working in conjunction with his administration, and he has had considerable assistance from that council. The tribal elders, of course, are prominent upon it. On the North-West Reserve, meetings with the elders are held, but at the moment there is a certain disturbance amongst the tribal people there as it is clear that with greater contact with European people the influence of the tribal elders over the younger men in the tribe has waned considerably. Therefore, it is not quite so easy to establish an effective reserve council within the tribal situation there, and it will be some time before an effective reserve council organization under the regulations to be promulgated can be set up.

I do not agree with the member for Gumeracha (Hon. Sir Thomas Playford) when he suggests that it will be impossible to have expressed an effective voice of the residents on the North-West Reserve. In fact, with the patrols through the area now, the department is brought regularly in contact with the Aborigines on the North-West Reserve. It is only those people who have been on the reserve continuously for a period who would have a direct say finally in the decision whether or not the reserve should come under the trust.

Mr. Rodda: Do those people wander into Western Australia and the Northern Territory?

The Hon. D. A. DUNSTAN: Yes. They go into the Central Aborigines Reserve in Western Australia. They frequently cross into the Northern Territory to Mulga Park. In a significant area there the red ochre ceremony takes place, and at the time of that ceremony it is common for them to go from, say, Ernabella, Musgrave Park or Mount Davies into the Northern Territory. There is still a group whose main residence is on the North-West Reserve, although they may wander off for periods. The department is fairly constantly in contact with those people who are regularly on the North-West Reserve. In consequence, I believe it will be possible in due course to get an effective expression of opinion from the people on the North-West Reserve. I do not consider that it is impossible to explain to them the effects of what is taking place. The people of the North-West Reserve are no less sophisticated than numbers of tribal people in New Guinea, and yet it has proved possible (as has been pointed out very cogently by the Foot Mission) to get an effective expression of opinion from people in unsophisticated tribal areas as to their future, as to the rights they wish to exercise and, particularly, as to their views on the future development of their lands. I believe that is so in relation to the North-West Reserve, and I have not the slightest doubt that it is so in relation to Yalata, which is also a tribal reserve area.

The member for Alexandra, in talking about minority rights, said that the former administrators knew that they had nothing to do with mineral rights and that the present administrators should know that, too, and that there was no cause for them to be in any way shocked or distressed by the fact that they had not been told of the granting of oil exploration rights to the Colonial Oil Company over the southern half of the North-West Reserve or of leases over all other reserves in South Australia. Apparently, the honourable member has not looked at the Aboriginal Affairs Act, which deals with the position specifically. The miners' rights are dealt with in section 24, which provides:

(1) Notwithstanding the provisions of the Mining Act, 1930-1958, no holder of a miner's right shall be entitled to enter, or remain, or be, within the limits of any Aboriginal institution except with a written permit of the Minister.

(2) Any such holder who, without such permit, the proof of which shall lie upon him, is found in any such institution shall be guilty of an offence against this Act.

In fact, nobody is allowed to enter the reserve without permit whether or not he holds a right under the Mining Act or the Mining (Petroleum) Act. The Aboriginal Affairs Board was not informed that these people, in fact, held oil exploration leases, and it needed to be informed because it was its duty to protect rights of Aborigines in their tribal areas. The member for Gumeracha, in the course of his speech, pointed out that this reserve in the North-West was created to provide that tribal Aboriginal people there could live in their tribal conditions, and that these, their sacred areas, should not be disturbed. But what do we find? At the moment I am distressed to find (and the Minister of Mines has taken some action about it as has the Aboriginal Affairs Board) that three unauthorized air strips have been bulldozed out on the North-West Reserve about which the Aboriginal Affairs Board was not consulted at all.

Mr. Quirke: Who did that?

The Hon. D. A. DUNSTAN: I have discovered that it was the holder of an oil exploration lease. Apparently this company was holding a lease and thought it could just go in and progress with its work. It so happened, more by good luck than good management, that one of the strips managed to avoid a sacred tribal area, but there was considerable distress expressed by the tribal elders when they discovered that the strip was there, because they felt that, in its expansion, the company might interfere with some of their ceremonial grounds. We are insistent that people who go on to the North-West Reserve, whether for mining or anything else, are there subservient to the rights of Aborigines in the maintenance of their basic tribal culture; we want to maintain that. There is no question that we want to dispose of this area. As a matter of fact, the whole purpose of this exercise is to see to it that the Aborigines will be able to control their own area, and that the administration will be able to back them up and see to it that their tribal rights are maintained.

The member for Alexandra said that if, in fact, minerals were found on these reserves and turned out to be valuable it could be that the trust board would receive millions of dollars. He said the trust could be embarrassed and might wonder what it should do with the money. I have little doubt that the trust board could find ample use for moneys for the development of Aborigines. In the northern part of the State, where we have the most difficult Aboriginal question, a big problem facing us is the provision of a viable economy to provide employment for Aborigines at the same levels of income as those prescribed for the rest of the community. If we do not do this we will deny to Aboriginal children, whether or not they are living in tribal situations, the equality of opportunity to acquire the knowledge which can be provided in the kind of society we have and which is really the right of every child.

In other countries the indigenous peoples who have obtained very large sums from mineral developments (such as the Alaskan Indians or the Navajos) have never found themselves embarrassed by those moneys. The Navajos have gone in for a magnificent technological development on their reserves, established valuable industries, paid for the training of their own young men from the tribe in all the techniques of those industries, and set up the basis of effective employment at a high material level of reward, while maintaining their tribal situation. Why should the Aboriginal people of this State not have the right to do that if we can provide the opportunities for them? The member for Alexandra said that if Aboriginal people were to be settled on the land we could use the Crown Lands Act, but he must know that under the previous Administration very few special Aboriginal leases were granted under section 5 of that Act—very few indeed. In fact, I think it has been used about as rarely as the provision in respect of Roseworthy Agricultural College graduates.

Mr. Casey: And that was never.

The Hon. D. A. DUNSTAN: In fact, provided there is a satisfactory Aboriginal settler and satisfactory Crown land to be used for his settlement, there is no reason why we should not use the Crown Lands Act, except, as honourable members know, there are not too many areas of Crown land available for allotment in which 160 acres would provide a viable economic unit.

Mr. Nankivell: An amendment could provide for that.

The Hon. D. A. DUNSTAN: Perhaps it could. However, I think the provisions of this Bill will cope with the situation adequately. Where we can find adequate Crown land available for development by Aborigines, then we can make the necessary provision through the lands trust. I think it is important to do it this way, and I think the development at Gerard will show us just why. Of course, some Aborigines are looking for small individual

blocks, and certainly we could assist them in this way through the Crown Lands Act and we could use the powers under the Aboriginal Affairs Act, to which members opposite have pointed. However, it is clear that the Aborigines at the Gerard Reserve want to develop a moshav type of community. It is often the case (and I think it often will be the case) that Aborigines will want to develop a community project in this way. Indeed, at present the Director of Aboriginal Affairs is overseas on long service leave, and in the course of that leave he will be going to Israel at the request of the Government to examine the moshav communities there, since this has been specifically asked for by the council of Gerard Reserve. These communities are irrigation settlements and similar settlements in Israel where individual blocks are farmed, but where the purchasing and the marketing is done co-operatively; the whole thing revolves around a communal centre. This type of co-operative has been eminently successful.

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

The Hon. D. A. DUNSTAN: I have had the pleasure of visiting some moshav settlements, and we think they are a significant example of how Aboriginal settlements in South Australia could be developed. Areas could be developed for Aborigines in this way, particularly at Gerard, where we have 1,000 acres of irrigable land. Experiments by the Agriculture Department at Gerard are proceeding at present and it is expected that we could settle many families on irrigation blocks there in due course, apart from having people there for training purposes or living on the settlement and working on the reserve.

When we are talking about reserves, it is often forgotten that many Aborigines want to live in a specifically Aboriginal community. They have a feeling of need to get together and to live in close association with others of their race, even where they are de-tribalized, and there is not the slightest reason why they should not live together on reserve lands and go off together in teams to work, as is happening now on many of our reserves. The fact that they are doing this does not mean that there is no reason for their not having a voice in the ownership of the property on which they are living.

It is often the case in the general community that people want to have some title to the land on which they live, and it is not surprising that the Aboriginal people should feel likewise. There is a misconception among some members opposite that the purpose of this Bill is to enlarge the Aboriginal lands to the extent that we settle many Aboriginal people on those lands. The fact is that only a small proportion of Aboriginal people tend to want to be engaged in future in rural avocations. They are looking to some kind of urban development, as is the rest of the community, but that does not mean that they have not an interest in the ownership of the land on which they are living, whether they are in industrial or rural employment.

In this Bill it is the ownership of the land that is important, not what extra lands we could get elsewhere to settle Aborigines, but since we are providing the structure under which a trust may own and administer the land for the benefit of the Aboriginal people of the State, it would be foolish not to provide that that trust could acquire additional lands and make additional settlements for the advantage of individual Aboriginals or groups of Aborigines.

The member for Alexandra said, "We do not know what the financial arrangements under this Bill will be". The department will be able to advance moneys to the trust and, through the votes of Parliament, to hand over to the trust the moneys normally spent on developmental works on the reserves that become trust property. The trust will be able, where it is holding land, or houses that are normally rented, to have the rent of the houses, and will then be responsible for the maintenance of them. The finance of the trust will necessarily work out over a period, depending on the undertakings given to the trust, the various areas of reserve land, the kinds of settlement on them and negotiations with the residents on those lands.

Again, the member for Burra (Mr Quirke) suggested that basically we should be using the Crown Lands Act. Do not members opposite see that this is simply no solution to the problem? The problem, as originally presented to the department, was the attitude of Aboriginal people, particularly those living on reserve lands, towards the fact that they had no voice or say about those reserve lands. They did not own them.

The member for Gumeracha has said, for instance, that the Central Aborigines Reserve has no proprietary rights of the Crown. In fact, the proprietary rights of the Central Aborigines Reserve are in the Crown, and it is that sort of thing that makes the Aborigines bitter. I reiterate for the member for Burra,

who raised this point, that it is not the Government's intention, unless it proves that that is what the Aborigines want and are capable of, to settle them on the land in large numbers. So far there is little sign that they want to settle on the land in farming work in large numbers. They do not want that: they want other occupations, and there is no reason why they should not have them.

We intend, as far as possible, to develop craft industry on the reserve areas and to get a viable and diversified economy so that there are varied opportunities for employment in the area. At present we have in the department an officer specifically set aside for the development, in the North of the State, of craft industry in clothing, pottery, jewellery-making, wool scouring, cloth weaving and so on. We believe that, with the giving of these new techniques to the Aborigines, the extraordinary fund of their artistic inspiration will be immediately released. Much good work has been done in original artistic design at Ernabella Mission.

Mr. Casey: That is a typical example.

The Hon. D. A. DUNSTAN: That is a typical example of their extraordinary artistic ability with new techniques that they did not know in their original environment. We want to enlarge those techniques for people living on the reserves. However, that they are not engaged in farming of some kind does not mean that they do not want a voice in the ownership of the reserves on which they are living. That is the whole point of this Bill. The member for Flinders suggested that he would gather from the Bill that it was the Government's intention that the trust should immediately realize on small reserves, but I would hope that that would not be done, and the trust board would have to sell me a fairly good story before that were done.

Some members opposite who have spoken have not noticed that the consent of the Minister is required for any form of alienation of reserve lands, and that consent can be given only in certain specified circumstances. It is not merely at the discretion of the Minister. The function of the Minister is to exercise his discretion on the basis that he has to be satisfied that the benefits of the Aboriginal reserve lands are maintained to the Aboriginal people, and it is only under those circumstances that his consent can be given. That means that, if there is any disposal of Aboriginal lands, there has to be an effective *quid pro quo*.

The member for Onkaparinga (Mr. Shannon) said that, in his view, there should be provision in the Bill to prevent the disposal of any Aboriginal lands. I would hope that that was not there, because there are cases where certain reserve lands should be disposed of. An example of this that is well known to the member for Flinders is the lower portion of the Mallee Park Reserve in Port Lincoln. At present this area is subject to flooding. There were two Aboriginal Affairs Department houses on the land that were flooded out on several occasions, and they had to be removed. We could not maintain Aborigines on this part of the reserve. It is waste area, cannot be developed, and is subject to constant flooding. It is utterly useless and costs us money. That part of the reserve is sought both by the local council and by Cresco Fertilizers Limited as a ponding basin. They would pay good cash for it which could be used to obtain a better area where Aborigines could live in satisfactory circumstances in Port Lincoln. It would be foolish to tell the lands trust board that it could not sell that land and get money with which it could do something positive for the Aborigines in Port Lincoln by providing adequate and satisfactory land for them.

Mr. Casey: It would be a good business transaction.

The Hon. D. A. DUNSTAN: Yes, extremely good business. I was asked, as Minister, to dispose of that land, and I said that I was not disposing of any Aboriginal land. The only people who have a right to do this are the representatives of the Aborigines themselves. They can make up their minds: it is not for us to tell them what they are to do; it is for the representatives of the Aborigines to make up their minds.

Mr. Rodda: How big is the Port Lincoln reserve?

The Hon. D. A. DUNSTAN: It is a small area, and only portion of the reserve is involved. Other areas are sufficiently high above the flooded area to be used, and some substandard houses are built on them at present. The member for Flinders suggested that there was no point in repeating the powers that were contained in the Aboriginal Affairs Act for the acquisition of additional land and settling Aborigines on it. It is not intended to replace the powers of the Minister under the Aboriginal Affairs Act in this area, but it seems to be absurd to set up the trust to administer the present reserves without giving it power to acquire further areas. The power to do that has been specifically asked for by whatever

representative groups of Aborigines I have found in South Australia with which to discuss this. Indeed, it was the first point raised by the Aborigines Progress Association when it discussed the original proposal.

The Hon. G. G. Pearson: My point was that the fact that the powers are duplicated does not add any merit to the Bill.

The Hon. D. A. DUNSTAN: I appreciate that point, and I also appreciate that the Government has the power to do this. Having set up the trust board to administer present reserves, it would be foolish not to provide the board with the power to do what most Aborigines ask that it should be able to do. The member for Flinders said that the primary purpose of the trust was to settle people on the land, but I repeat that this is not the primary purpose of the Bill. As to the number of people who can be settled on the land, the honourable member said that the total land available in this State dedicated as Aboriginal reserves would not provide a living for more than 50 families. With great respect to him, I think that is a severe under-estimate. Far more than 50 families could be settled within the present reserve areas in due course, and they would be able to gain a living directly from the land. However, I agree with the honourable member that a number of people who can be settled viably on present reserves is not enormous and is only a small proportion of the total Aboriginal population. I believe that the larger reserves must develop a viable and varied economy and not one based merely on the use of the land. Let us consider Point Pearce. It was thought that this reserve would eventually go the way of Point McLeay: that there would be a decline in the population; that the people trained over a period would tend to move off into the general community; and that there would be, perhaps, some farming retained, but for the rest, it would tend to be an old people's community with a declining population.

This is what has happened at Point McLeay. The population has declined, and there is no great pressure to live at Point McLeay at present. Despite the love of people for Point McLeay, there seems to be no great attraction to the Aborigines who have left there, to go back to live there permanently. However, the situation at Point Pearce is different. There is constant pressure to live at Point Pearce, with a significant build-up in population of frightening proportions that is affecting the present programme of the Government in providing economic employment on the reserve. We have tried to employ every able-bodied person on the reserve, and have insisted that every person on the reserve must be employed whether on or off it. Work of the research officers at Point Pearce has shown that the population there will be in no way amenable to a programme of moving people off Point Pearce in large numbers. They want the development of a varied economy with some small manufacturing industry, and several projects are currently being investigated with the assistance of the Agriculture Department and the Premier's Department to see whether we cannot promote a more satisfactory, varied, and viable economy at Point Pearce in order to maintain a decidedly larger population than was originally thought would be retained there.

This is certainly the way that the council at Point Pearce believes the place should go. The member for Flinders spoke about maintaining the North-West Reserve. I assure him and other honourable members that the Government is as concerned as anyone else to maintain this reserve inviolate. Indeed, if it is possible it may be added to. The honourable member raised the question of what had happened to the Pastoral Board's report. It never made a final report, but I believe it will now. I understand that the last report under the Minister's signature was in 1963, and at that stage the board said it was going to present a further report shortly.

The Hon. G. G. Pearson: After the question was raised with the board, it said it would look at the matter again.

The Hon. D. A. DUNSTAN: Whatever happened, the report does not seem to have been made. The Minister of Lands is as interested in what should happen to this area as is the honourable member, and he has told me that he will ask the Pastoral Board to get a further report about it. I believe that it is necessary to maintain the North-West Reserve in its natural state as far as possible, and that whatever development takes place it must fit in with the maintenance of the natural surroundings and the background of tribal culture that the people desire to maintain. The whole development of this reserve should be on this basis only. We are trying to develop craft industry there. The honourable member may be interested to know that recently there has been a considerable demand for chrysoprase from this reserve. For a considerable period I refused anybody the right to get chrysoprase from this reserve. We were then offered an attractive price for a sample of chrysoprase

and the men of the tribe were used for the collection of a sample shipment, which proved an economic proposition and provided quite a sum of money towards their wages at current general rates in the community for the period of their work upon this surface mining operation, the collection of the semi-precious gemstone in this way. Some of it has been worked overseas and we have seen samples of it. However, it may well be possible, in conjunction with the working of other stones, to develop a jewellery-making co-operative in the North-West Reserve itself. This is a new technique that could be given to the Aborigines there, and this is one of the works being undertaken by the craft industry officer in training at the department at the moment.

Here, again, this is the sort of thing that can fit into this kind of background and provide employment in the area. The Navajoes have been successful in producing an item useful for export, which brings them in good money in the fabrication of their jewellery, their rough silver and the like. We hope we can do something of the same sort in the North-West. Throughout our dealings with the North-West Reserve, we have maintained the policy, followed by the member for Flinders when he was Minister, of seeing that this reserve does not become a highway for transport operators or a resort for tourists, that we do exercise the utmost care to see that those who go to the reserve are only those who should properly be there, and that there should be no disturbance of the tribe, its rights or its sacred areas. I can assure the honourable member that there will be no possibility under this administration of any disposal of the North-West Reserve, and the likelihood of its coming under the trust in the immediately near future is remote. It will be some time before arrangements can possibly be made for the North-West Reserve to join the Aboriginal Lands Trust.

I was somewhat distressed, if I may say so, at the attitude taken by the member for Yorke Peninsula (Mr. Ferguson) in his speech. I am afraid he gave great evidence of just that paternalist attitude to the Aborginal people that they so much resent and that has, over the last century, produced some of the most difficult features of present Aboriginal administration. The pauperizing of Aboriginal people in circumstances where it was felt that the European community had to hold their hands, treat them like children and make them depend on hand-outs, has now caused great difficulties at Point Pearce itself. I would hope that the honourable member would turn his attention to the work of modern research workers in the field of Aborigines, which will demonstrate that the paternalist approach is a wrong one, and that the right one is to say to them that they should have the same rights and accept the same responsibilities as other people in the community. For instance, I have little doubt that the Aboriginal people will be able to work and live effectively in the community that surrounds them.

The member for Stirling (Mr. McAnaney) suggested that the Aboriginal people of South Australia should have the right to elect the first three members of the Aboriginal Lands Trust. Considerable thought was given to that possibility before the Bill was framed, but there is an initial difficulty in this. We examined the course followed in New South Wales, where it is possible to have elections for the Aboriginal members of the Aborigines Board in that State. We found that the elections were unsuccessful. A difficulty that would face us in running elections amongst the whole Aboriginal population in South Australia for members of the trust is that the Aboriginal communities in South Australia are scattered. There are very few Aboriginal people in South Australia well known to the whole Aboriginal community. We could not say, for instance, that even Geoff Barnes, the Aboriginal member on the Aboriginal Affairs Board at present, was really widely known to all the Aboriginal communities. He is not, although he is a hard working and effective member of the board. It would be extraordinarily difficult to get an adequate campaign of contesting candidates, to get them known satisfactorily and to get their worth and ability for this kind of work assessed adequately by the Aboriginal people who had to vote on it; so it was felt that the proper thing to do (and, again, we were supported here in discussing the matter with the Secretary of the Indian Affairs Bureau in New York) was to choose for the initial three members of the board Aborigines who were well known to have experience and ability in the area of managing land. There are such Aborigines in South Australia who are successful, excellently qualified and very well equipped to do the job of setting up the trust. I have no doubt we shall be able, in the selection of three members for the Aboriginal Lands Trust, to provide an initial group of people with experience. Thereafter, of course, the voice of the Aboriginal people in the reserve areas will be expressed through the reserve councils and the nomination of members to the board.

The member for Gumeracha (Hon. Sir Thomas Playford) followed his usual course of giving us a dissertation upon the inadequacies of the drafting of the Bill. With great respect to him, this seems to have become a fairly common gambit for him in dealing with the Government's legislation. If I may say so in all due humility to him, it sometimes does his argument a disservice. For instance, he first dealt with clause 5 (2) of the Bill and expressed puzzlement and concern about this provision. He read one subclause, which states:

The trust shall be a body corporate with perpetual succession and a common seal and, subject to this Act, shall have power in its corporate name to receive, accept, hold, acquire by means of agreement, or exchange, possess, and to dispose of property of every kind and be a party to any legal proceedings.

That is the normal function given to a body corporate. In setting up a judicial person, we give that judicial person the same functions and rights that a natural person has at common law, but the restrictions upon disposal occur later in the Bill, and it is quite wrong for the honourable member to say that the trust can dispose of property. The trust cannot dispose of property except in the specific circumstances outlined in Part IV of the Bill. The Bill states:

The trust may with the consent of the Minister sell, lease, mortgage or otherwise deal with land vested in it pursuant to the Act . . . The Minister shall not withhold his consent unless he is satisfied that the sale, lease, mortgage or dealing fails to preserve to the Aboriginal people of South Australia the benefits and value of the land in question.

Therefore, the Minister has to exercise his mind in that particular way. If the benefit and value of the land are preserved to the Aborigines, they may deal with the land; indeed, as the owners of the land no reason exists why they should not. The honourable member then queried clause 5 (3) which provides:

Every court and every person acting judicially shall take judicial notice of the seal of the trust and when the seal appears on any document shall presume that it was properly affixed thereto.

The honourable member said he had received legal advice that that might mean that the court could not inquire whether the seal was properly affixed, or not. The meaning of this clause, which is a standard provision, is simply that the court shall presume that the seal was properly affixed and take judicial notice of it, unless evidence exists to the contrary. Therefore, by the producing of a document to which is affixed the trust's seal the court is to take it that the document was properly executed—*omnia praesumuntur rite esse acta.*

Mr. Quirke: What does that mean?

The Hon. D. A. DUNSTAN: Everything is presumed to have been properly done. This simply means that the court does not inquire unless a reason exists to do so, and that a witness does not have to be brought along to say, "I was there, and saw the seal affixed to the document." The member for Gumeracha was a member of the Government when a Bill to amend the Botanic Garden Act of 1961 was introduced.

Mr. Casey: He was the Government!

The Hon. D. A. DUNSTAN: Yes. That Bill provided:

Every court and every person acting judicially shall take judicial notice of the seal of the board and when the seal appears on any document shall assume that it was properly affixed thereto.

That is not unusual. The Alcohol and Drug Addicts (Treatment) Act Amendment Act of 1964 (when the Playford Government was still in office) provided:

All courts, judges and persons acting judicially shall take judicial notice of the common seal of the board affixed to a document and shall presume that it was duly affixed.

That is perfectly standard draftsmanship. Next, the honourable member queried the power to make Aboriginal reserve regulations providing for councils on reserves, and suggested that it was never contemplated that councils should be set up on reserves. In fact, of course, it was specifically mentioned in the previous debate. The honourable member for Whyalla raised the matter as, I think, you also did, Sir, in that debate. At any rate, the member for Gumeracha, when dealing with the general power of regulation-making, conveniently left out one particular passage; he omitted to quote the following:

or which may be necessary or convenient to be prescribed for effectual carrying out of this Act.

The setting up of the rights of Aborigines to have some say in the affairs of reserves is clearly provided for in the Act and was, in fact, the purpose for which the measure was enacted. The regulations, in draft at the moment, will be duly gazetted, and the honourable member will find little opportunity to test their validity.

Mr. Nankivell: When will they be gazetted in relation to councils?

The Hon. D. A. DUNSTAN: They have not yet been gazetted; they are in draft form at present and will be gazetted shortly. The

reason for the delay in gazetting the Aboriginal Affairs Act regulations in relation to councils has been that negotiations are proceeding with councils as to the terms under which they should exercise power over entry permits to reserves. I am insistent that, if the councils accept responsibility in relation to entry permits, that responsibility must be so exercised that there is no overcrowding of houses and no decline in the health standards in the community, and that responsibility must be specifically accepted by the councils, according to certain standards that must be prescribed. However, we are certainly negotiating with councils so that the entry permit system will not be exercised by the superintendents but by the councils themselves.

Mr. Rodda: Overcrowding is one of the problems.

The Hon. D. A. DUNSTAN: It is a grave problem. If no overcrowding existed there would really be no cause to worry about permits. We cannot have overcrowding in the houses, and we cannot have people going on to reserves without accommodation or employment. That is where it is absolutely essential for us to require all councils, if they take over this power, to exercise it in a way to preserve standards already set in the reserves as far as lack of over-crowding, maintenance of health standards and employment opportunities are concerned.

Mr. Rodda: Overcrowding seems to occur, in addition to families on reserves, in families living in towns.

The Hon. D. A. DUNSTAN: Certainly, but, where Aborigines are off reserves and in houses, either rented from the Department of Aboriginal Affairs or from the Housing Trust, we have tenancy agreements in which we lay down certain provisions as to the number of people who may normally be in the house. Whereas it would be cruel and unkind to Aborigines to enforce those regulations too harshly, the standards of the local community and the local board of health must be maintained.

Mr. Nankivell: Will the councils have full supervision?

The Hon. D. A. DUNSTAN: Ultimately, yes, but if they act in breach of the regulations this will be necessarily reported to me by the superintendent of the reserve.

Mr. Ferguson: If the councils take over this matter the superintendent will have no control.

The Hon. D. A. DUNSTAN: The councils themselves have now invited superintendents to sit in at council meetings, not as a requirement of the department but at their own request. I see no reason why there should not be a proper inter-change in this way, in which each is helpful to the other. The member for Gumeracha then raised the question of mineral rights and apparently believed that there was no vesting in the trust of those rights. Actually. clause 16 (2) provides:

> Subject to subsection (5) of this section, upon the making of any such proclamation such lands shall, together with all metals, minerals and precious stones, coal, salt, gypsum, shale, oil and natural gas therein or thereon be vested free of all encumbrances in the trust . . .

Therefore, it is no longer a Crown right. The honourable member has asked, "How, then, does mining proceed?" Mining proceeds by negotiation by the trust with the Mines Department and those persons who may be willing to contract to develop. This was the pattern in the United States. The councils on Indian reserves have negotiated through the Indian Affairs Bureau and appropriate mining departments with developers who want to prospect or exploit finds of minerals, oil or gas, and they have made advantageous contracts for the development of mineral rights on their reserve lands. The means are provided here by which such portions of the Mining Act may be applied to the reserve at the request of the trust, and there is an over-riding power that if something essential for the development of the State is found, and the trust board is difficult about it, a resolution of both Houses of Parliament can invoke the powers of the Governor for the application of the necessary portions or the whole of the Mining Act or Mining (Petroleum) Act accordingly. Therefore, there is a clear means of exploitation of mineral rights.

The member for Gumeracha has suggested that there is a desire to take away the North-West Reserve. I have said throughout this reply that that is the last thing that the Government is interested in doing. The Bill is designed to see that nothing happens in South Australia as happened under the Liberal Government in Western Australia. The member for Gumeracha spoke of the great Central Reserve, which is more in Western Australia and the Northern Territory than in this State; but what has happened in Western Australia? A portion of the Central Aborigines Reserve on the border of our reserve, and with nickel finds on it, has been excised from that reserve without any compensation to the Aborigines at all. At the moment, the workings from that development are being transported across our North-West Reserve. Therefore, our Aborigines know what is going on there and the last thing they want is to have Governments left

in a position where they may, by proclamation, deprive the Aborigines from their just entitlement to these lands. So this is not taking the North-West Reserve away from the Aborigines: it is preserving it to them and is designed to see that no Government is going to do in South Australia what the present Government in Western Australia has done to its Aborigines in relation to their Central Reserve. I believe this is something that is important to the Aborigines of South Australia. It is important to their development, lands, self-respect and self-determination; on all those scores I commend the Bill to the House. I hope honourable members will vote for the second reading and will not accept the amendment moved by the member for Alexandra.

The SPEAKER: The Minister has moved "That this Bill be now read a second time", which the Hon. D. N. Brookman has moved to amend by striking out all words after "That" and inserting "the Bill be withdrawn and that a Select Committee of the House be appointed to inquire into and report upon all matters appertaining to the occupancy of Aboriginal reserves".

The House divided on the Hon. D. N. Brookman's amendment:

Ayes (14).—Messrs. Bockelberg, Brookman (teller), Ferguson, Freebairn, Heaslip, McAnaney, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele and Mr. Teusner.

Noes (17).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hutchens, Langley, Lawn, Loveday, McKee, Ryan, and Walsh.

Pairs.—Ayes—Messrs. Hall, Coumbe, and Millhouse. Noes—Messrs. Bywaters, Hurst, and Jennings.

Majority of 3 for the Noes.

Amendment thus negatived; Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Membership of trust".

The Hon. Sir THOMAS PLAYFORD: I did not hear the Minister explain why it was that if this trust is to be approved by the Aboriginal councils those councils do not have the direct right to nominate persons to the trust. The council is presumed to be controlling this matter in the interest of the Aborigines, but the council itself could very easily not be approved by the Aborigines. We start with three official members who I presume will be appointed when the legislation is passed. Probably they are already selected.

The Hon. D. A. Dunstan: They are.

The Hon. Sir THOMAS PLAYFORD: I think that is rather anticipating Parliament, and that it is an improper action to take.

The Hon. D. A. Dunstan: We know whom we want to appoint.

The Hon. Sir THOMAS PLAYFORD: I want to know why the Aborigines are not given control of the nominations upon which their trust is to be constituted. Why is it that, persons having been nominated, the Governor (being, as everyone knows, the Treasury benches of this Parliament) may disregard the nominations? We usually allow people to nominate their own representatives, and we do not have the nominations subject to variation by outside authorities.

The Hon. D. A. DUNSTAN (Minister of Aboriginal Affairs): There is no provision in the measure for the variation of the nominations by outside authorities, because the Governor cannot act unless he has a recommendation. The point is that in our experience of the working of Aboriginal councils there are breakdowns at times. At one time we make have an extremely good and workable council, and at another time, from quite fortuitous circumstances, there is some breakdown in the arrangement. The reserve councils have been training organizations to a certain extent so far, and they have proved very valuable, but after consultation with the officers of the department it was thought wise to have the nomination there and the final discretion in the Governor as to whether in all the circumstances of the particular council the appointment would be made.

Obviously, if the reserve is to come under the trust there must be somebody from the reserve on the trust board, and therefore it would be the earnest endeavour of the department to see that a nomination came in from the council and that that nomination was accepted and the appointment made. That is the reason for the particular provision. I assure the honourable member that there is no ulterior motive in it. This Government has endeavoured, as far as possible, to promote Aboriginal councils in workable form everywhere it can.

The Hon. D. N. Brookman: Does that mean that a council may nominate someone and the Governor may refuse to appoint him?

The Hon. D. A. DUNSTAN: At this stage, that is perfectly true, but obviously that will not work for very long because the reserve would prove unworkable unless some arrangement was made very rapidly with the council on the matter.

The Hon. Sir THOMAS PLAYFORD: The Minister's explanation does not seem to be in accordance with the provisions of the Bill, for I can find no provision that every council shall have a representative on the trust. In fact, the Bill says that a council can nominate only one person, and the Minister has said that it is possible that the nomination will not be acceptable. It would mean that that council was not then represented on the trust. So far as I can see, there is nothing in the Bill that every council shall be represented on the trust. Indeed, I would think that the provision is rather to the contrary.

Mr. Shannon: There need not be any such representation.

The Hon. Sir THOMAS PLAYFORD: The number on the trust is very wisely limited, in my opinion. If there were more than 12 councils in the State (and there could well be more), not every council could be represented, because as I understand it the number on the trust is limited to 12. Is the purpose of this Bill merely to change the control of the existing reserves—

The Hon. D. A. Dunstan: Not merely.

The Hon. Sir THOMAS PLAYFORD: —or is it to get additional reserves? If it is only to maintain the control of the existing reserves, it is rather doubtful whether those reserves could provide the required number. Of course, it depends on the size of the reserves. The Minister mentioned the reserve at Port Lincoln, but I would not regard that area as a reserve at all. The Minister must have a different idea on that, because unless it is a reserve it cannot come under this Bill and it cannot be disposed of. It is necessary for the Minister under this trust to have powers of disposal, and this reserve could not come under the trust unless it were under a council.

The Hon. D. A. Dunstan: Why do you say that?

The Hon. Sir THOMAS PLAYFORD: The lands that are subject to this trust are the lands that are designated by the council of the area.

The Hon. D. A. Dunstan: Where do you find that in the Bill?

The Hon. Sir THOMAS PLAYFORD: This is interesting! Apparently the lands are to be taken over whether or not there is a council, and that is totally different from what the Minister has said up till now. If the lands are going to be taken over when there are no councils, irrespective of whether or not the Aboriginal people want them to be taken over, then we will need to take a much more critical look at this Bill than we have so far taken. I should like the Minister to tell me whether every council is going to have a representative on the trust, and whether lands that are not under the control of a council are to be transferred to this trust willy nilly whether or not the Aboriginal people living on them or in the neighbourhood want them transferred. They are important questions.

The Hon. D. A. DUNSTAN: As usual, the member for Gumeracha has not bothered to listen to this debate. The answers to his questions were given explicitly in the second reading explanation and I think they were understood by every other member of the Opposition who spoke. There are many Aboriginal reserve lands in South Australia and a list of them was appended to my second reading explanation and included in *Hansard*.

Many of them are unoccupied and unmanned reserves. Some are occupied but not manned by either the department or a mission. Reserve councils are established only on the reserves manned by the department or a mission. There are three mission reserves and several departmental reserves and the extra number was provided for one extra council reserve area. I can tell the honourable member that negotiations for it are proceeding at present and are almost concluded.

Mallee Park Reserve is an occupied reserve but it is not manned by the department. When the Bill was introduced the House was told that, in relation to those reserves where no reserve councils are established, the reserve lands will be transferred to the trust when the residents indicate that they want the land to be held by the trust and only after consultation with the Aboriginal people, so there is no question of Aboriginal land being disposed of without prior consultation with the people.

The honourable member did not read the second reading explanation when the Bill was introduced last year and he has not read it now. He is trying to create uproar in the House tonight and is being deliberately obtuse in order to get people's dander up. Regarding appointment to the trust board, each Aboriginal council established under the Aboriginal Affairs Act will have a member on the board. The only reason for the drafting in this form was that occasionally we have found

difficulty with what had previously been a perfectly satisfactory council. Sometimes a nomination is not in order and there is a dispute at the reserve about whether the election has been properly held or about whether the nomination was in order. We want to be certain that the nomination has the support of the people on the reserve.

The Hon. D. N. Brookman: What are the provisions for these elections? Why shouldn't they be properly held?

The Hon. D. A. DUNSTAN: If the honourable member knew the difficulties that have arisen in council elections from time to time, he would realize the difficulties we are facing. On many of the reserves the Aboriginal people are not a coherent group. Dr. Ailsa Gordon's report on Point Pearce reserve showed that. There are difficulties about the existent council now. For the sake of the people whose lands will come under the trust, we have to ensure that the person representing them on the trust board is the representative of the majority of the people there and that there has not been some clique arrangement.

There is no ulterior motive in this clause. The trust board would not be able to administer an area in a manned reserve without having a representative from that council on it. This is a safeguard. We want to ensure not that there is not a member on the trust board but that there is one effectively representing the people on the reserve.

Mr. RODDA: Can the Minister say why subclause (3) is included? It could exclude a valuable member of the trust, but it must have been inserted for some reason.

The Hon. D. A. DUNSTAN: I questioned this in the original draft, but the Director and senior officers of the department considered it a wise provision. In addition, we have been advised from the United States that it is wise to have some turnover on a board administering the lands of indigenous people, because real divisions and jealousies occur from time to time. It was considered that one continuous six-year period would be sufficient for one member to be on the board at a time.

I had some qualms, because I considered that an experienced member of the board might be excluded and that we might not be able to replace him with someone of similar experience. However, the Director was satisfied that that was not so. There have been jealousies in relation to people who have been given opportunities to work the land for the department and we have had to consider the attitude of other people towards the success of these Aborigines on the land. This has happened at Point Pearce and, in all the circumstances, it was considered desirable to avoid any difficulty that could lessen the effective functioning of the board.

Members of the board are precluded, without the consent of the Minister, from having any benefits from the trust given to their relatives. As members know, the immediate relatives are not always the most important people in the hegemony. Some distant ones are often accorded greater importance, and there could be a disability there, particularly if a tribal area were concerned.

The Hon. G. G. Pearson: The members could all go at the same time, could they?

The Hon. D. A. DUNSTAN: Yes, but I hope we can avoid that.

Mr. SHANNON: This pinpoints the whole problem; we do not trust the Aborigines. We are not going to allow a council to nominate its member to act on the trust without Ministerial consent. I thought this Bill allowed Aborigines to show that they were capable of accepting responsibility, but if we do not give them responsibility we shall not achieve our goal. I hope that no nepotism will be allowed with the connivance of other trust members. In my experience, Aborigines are more communal than any other section of people, so that I am surprised that so many precautions and bars are provided. There will not be a free choice as the trust will be appointed by the Governor in Council.

The Executive of the day can refuse to accept any nomination made in good faith by people who should be able to judge who is the best man to represent them. If we have to handpick the members then no progress has been made in this field, but I do not believe this to be so. Every section of the Aboriginal society should be represented. The Minister is probably correct when he said that in some circumstances the council would select a person who was not the best man for the job.

The Hon. D. A. Dunstan: I did not say that at all.

Mr. SHANNON: I understood the Minister to say that. I thought he implied that we should consider the credentials of the individual, but it may be a good idea to have some non-conformists on the trust. In the event, we shall get the type of people who are responsible. We have to build up some sense of responsibility among the people who will benefit from this legislation. I do not want to hamstring the administration on this matter, but the proviso in subclause (3) does

just that. The Minister does not need to be told that there is no compulsion to reappoint any member of the trust. Why should there be any bar to the Minister's reappointing him? It is obvious that these people will gain experience. If we eventually get people with experience, why deny them the right to a further term? There may be two or three excellent people who, because of their experience on the trust, have learnt enough to keep their own people on the rails—and, after all, that is what we want them to do.

The Hon. D. N. BROOKMAN: The clause states that the Governor may, whenever he thinks it fit so to do, appoint additional members to the Aboriginal Lands Trust. This clause anticipates regulations being made under the Bill for the conduct of the reserve councils. No doubt the regulations will anticipate the proper conduct of nominations to those councils, yet here the Governor is given the authority to refuse to accept a nomination. This appears to be a clear example of the paternalism in respect of which the Minister criticized this side. This clause is very paternalistic. If the machinery is provided for proper nomination to the lands trust, there is no justification for the Governor's being able to withhold nominations. The Minister has stated only that there might be some unfortunate happening. What is envisaged has not been explained to us but, with the proper machinery, there is no reason to take the paternalistic attitude of refusing nominations "if the Governor sees fit so to do". If we are to have a lands trust we should ensure that the control of its affairs be really given to the trust, as stated in the Minister's second reading explanation.

The Hon. D. A. DUNSTAN: The honourable member seems to have overlooked another machinery provision here that has caused the draft to be in its present form. At the moment it is impossible to specify the time at which manned reserves on which reserve councils are established will join the trust. Therefore, we had to make it at such times as it appeared to the Governor that all the necessary formalities for this being done should occur.

The Hon. D. N. Brookman: You are going further than that, though.

The Hon. D. A. DUNSTAN: I do not think we are. The wording is "the Governor may whenever he thinks it fit so to do", when it appears to the Governor that all the things necessary for the joining of that reserve to the trust have been done: that the reserve council has agreed that the land should be transferred to the trust; that the reserve residents of three months' or more continuous standing in a majority have backed the view of the reserve council; that the necessary services have been made and agreements made about which are administration buildings, which land should go in, which land should be transferred to the trust and which should remain with the Government as part of its administration buildings, because this is an area of Government buildings that we, and not the trust, shall be responsible for maintaining. All these formalities have to be gone through before the transfer can be made. Therefore, the time cannot be specified. It is the only effective way in which we can draft it: "the Governor may whenever he thinks it fit so to do" shall appoint a member. The way in which it shall be done has been fairly expressed. This is what we are setting out to do.

The Hon. D. N. Brookman: How can a council be represented if it goes on choosing a nominee that the Governor does not think fit?

The Hon. D. A. DUNSTAN: There can be no question of that happening, because no reserve council would put up with that for a moment. It is not a question of the Governor's examining whether a nominee is worthwhile or not. The member for Onkaparinga must have misunderstood what I was saying. We have found with the working of organizations on the reserves that it is often difficult to get all the formalities complied with effectively to work an organization. An example is at Point Pearce, where a co-operative society was set up, which worked without any effective rules for some time. I was then asked to prepare rules under the Industrial and Provident Societies Act, because the Registrar of Companies protested that here was a co-operative society that was not properly registered and was in breach of the Act in using the word "co-operative". So the papers were prepared. While I was in Opposition, but with the knowledge of the Minister and at the request of the department, I went up to Point Pearce and prepared these papers for them. I explained the necessary formalities to them, went through the papers with them and said, "Now you must hold your meeting and send various things back." But that never happened. After I became Minister, I went back again, and this time took officers of the department to try to see to it that the necessary formalities under the Industrial and Provident Societies Act were met, because that society had taken over a whole Government store. Eventually, the co-operative society got

well under way and it is working very well at the moment—but without the umbrella of the Industrial and Provident Societies Act. The Deputy Crown Solicitor at one stage said that we could license a co-operative under the letters patent to the Governor. We tried that, but it did not work out particularly well, and we have now decided to amend the Act so that we can, by regulation, provide for a simpler form of co-operative, which does not necessitate going through all the formalities of the Industrial and Provident Societies Act, in making continuous returns. Numbers of organizations on reserves, because they are not experienced in the working of formal organizations, as we are, do not always comply with the necessary formalities. We wish to ensure that the nominee of the council is, in fact, a nominee of the people on the reserve. It is not a question of whether a nominee is properly credentialled, or of his correct worth or background.

The Hon. D. N. BROOKMAN: In that case, the clause is unhappily worded, and should provide, in effect, that "the Governor shall, whenever he is satisfied that all the necessary formalities have been complied with . . .", etc. Although the Minister says that it was never intended, the provision's present legal meaning is that the Governor may forever withhold representation of a council on the trust, and, indeed, any Government may do so through the Governor.

The Hon. Sir THOMAS PLAYFORD: The Bill does not require a council to be represented on the trust, as it is at present worded. The whole impact of the Bill is destroyed by the fact that it provides that councils are to come under the trust's control, the trust being appointed by those councils; then, we find that the councils are not appointing the trust at all but that it is appointed by the Governor. The people will not be consulted.

The Hon. D. A. Dunstan: Nonsense!

The Hon. Sir THOMAS PLAYFORD: No councils are at present appointed, as the relevant regulations have not yet been gazetted. This clause should be worded so as to permit Aborigines coming under the trust to nominate trust members.

Mr. SHANNON: The clause smacks of white domination in all of its aspects. The amendment I have in mind would leave the wording of clause 6 (1) as follows:

The trust shall consist of a chairman and at least two other members appointed by the Governor: Provided that additional members may be nominated upon the recommendation of Aborigines reserve councils constituted pursuant to the regulations under the Aboriginal Affairs Act, 1962 . . .

I do not wish to see any possible prohibition in regard to nominations made by the councils under these regulations. If mistakes are made and the wrong people appointed, that will soon resolve itself. If a man does not do his job within three years another person will be appointed. The clause should be re-worded to take away the stigma of the domination of Parliament or the Minister over the Aborigines. I want Aborigines to have responsibility and to accept it.

The Hon. G. G. PEARSON: I think the Minister would be wise to accept the member for Onkaparinga's advice. Other clauses impinge substantially on the operation of this clause. The Minister could find that certain reserves did not have the grounds to appoint a member of the trust. Also, as the clause is drafted, if a reserve council does not nominate a representative to the trust then no appointment on the trust can be made from that council. The instigation must come from the council although, if no nomination from a council is made, the lands of that council cannot be transferred, so there is protection in that respect. However, in the circumstances to which I have referred a problem could arise. After nominating a person for appointment to the trust, the council's prerogative ends because it cannot at any one time nominate more than one person. If the Governor does not accept a nomination, where do we go from there? I do not know whether a council could nominate one person today and another tomorrow. Some clarification of this matter is needed. If councils are not to have the right to keep on submitting names of nominees until one is accepted by the Governor, they will not have a nominee on the trust and can recommend a member only to fill a vacancy. The provision whereby the Governor need not accept a recommendation savours of trusting Aborigines so far and no farther. The Minister has urged upon the House the desirability and, indeed, the necessity of trusting Aborigines to manage their own affairs, but I believe that, with regard to the nominations of persons to the trust, the clause falls short of that ideal.

The Hon. Sir THOMAS PLAYFORD: I move:

In subclause (1) to strike out "may whenever he thinks it fit so to do" and insert "shall".

This means that the Governor will be obliged to accept persons nominated by councils to

make up the trust. Surely it is reasonable that, if we are to have a trust to represent Aboriginal councils, the councils should have the right to nominate the persons to go on that trust.

The Hon. D. A. DUNSTAN: I hope the Committee will not accept the amendment. I have made it clear that the drafting of the clause is necessary to provide the flexibility in operation that I described clearly when I spoke of the way the trust would proceed and the way manned reserve areas would join the trust. That is why it had to be in this form. If the honourable member has his amendment accepted, all the reserve councils constituted under the Aboriginal Affairs Act must have a member on the trust board, even though the reserve lands are not held by the board. Whether or not their residents have agreed to join the trust, they will have a representative on the board. Therefore, they will be able to decide what happens to somebody else's reserve but the trust will not be able to decide what happens to theirs.

This is completely ridiculous. The clause was necessarily drafted in this flexible form in order to allow for the administrative process to go on and for arrangements to be made between the trust board and the reserve councils and reserve residents in such a form that a time would arise (which has to be unspecified) when a nomination would be made, and then the Government would act upon it. The Government has no intention of denying to Aboriginal people the right of having members on the trust board or of overseeing the nominations that they make to get the people they want on the trust board. In fact, this whole exercise is to see that they shall be able to do just that. The whole policy of this Government, carried out since it came to office, has been to give effective say in their own affairs to the Aboriginal people.

The amendment moved by the honourable member would present us with an administrative impossibility. Let me outline to members what is likely to take place in relation to Point McLeay. The residents there have discussed with me the creation of the Aboriginal Lands Trust board and how it will proceed. This whole process has been outlined to them in detail, and they have arranged with me that when the first three members of the trust board have been nominated those members will go to Point McLeay and discuss not only with the council but with a meeting of all the residents (and more than one meeting, if necessary) what the procedure will be, what the terms and conditions will be, and what areas should join the trust if Point McLeay is to join the trust. Those negotiations will be carried on, and we cannot possibly put any time limit on that. In the meantime, the council will be set up under the Aboriginal reserves regulations. Why should there be a member on the trust board before in fact that area is part of trust lands? If that is the effect of the honourable member's proposal, it will present us with all sorts of administrative difficulties on the board.

The Hon Sir THOMAS PLAYFORD: The circumstances the Minister has outlined are most interesting, but they do not meet the case that is presented by the Bill. The Minister said that when the Bill is finally approved in the present form three members of the trust will be appointed. I understood him to say that that is already arranged.

The Hon. D. A. Dunstan: It is not already arranged. You wanted to know whether the people were known. They are known to the Government but not to anybody else, and there have been no arrangements with anyone.

The Hon. Sir THOMAS PLAYFORD: The three members of the trust will go to Point McLeay to explain to the people there what the whole thing is about. However, they cannot tell the people there that if they decide to bring Point McLeay under the operations of the trust the person they nominate will be appointed to the trust. The provision in this Bill brings in something totally different.

Mr. Shannon: It gives the Governor overriding authority.

The Hon. Sir THOMAS PLAYFORD: All they can tell the people at Point McLeay is that if the nomination is suitable to the Minister the people will get their nominee. Is that a desirable feature? I agree that some councils may not desire to come under the trust and that therefore they should not have the right to nominate a representative.

Mr. Shannon: They cannot do so unless they come in.

The Hon. Sir THOMAS PLAYFORD: This matter could easily be looked after by a subsequent amendment. I believe that the people who are nominated by the councils should be appointed, for it is fundamental to the whole thing that the Aboriginal people should have the right to control their reserves. If their land is to come under the trust, they should have the right to nominate a representative and to have that nominee appointed, otherwise the whole thing is a farce.

Mr. SHANNON: I have some sympathy for the Minister, for this is not an easy problem. My suggestion is that he first nominate three members to the trust and that thereafter the various councils that elect to come under this lands trust each nominate a representative on the trust. The Minister has a power which can be a very useful one in the early stages of this new venture in giving our Aboriginal people some responsibility in life. I refer to the power to appoint additional members not exceeding nine. This leaves the Minister with sufficient control of the position until he can see at first hand how things will work. The member for Gumeracha suggested that every council must have its representative on the trust, but under the wording of the Bill that need not be so. In the early stages the number of additional appointees from people nominated by Aboriginal councils could be limited. The Government could watch how the thing works, and if it works satisfactorily (and I hope it will) it could add to the representation as our Aboriginal councils come along and demand representation, with good cause, probably, because they are a body of people who have an axe to grind and want to be in the picture. The Minister could then say, "You nominate your man and we will take him."

The member for Gumeracha pointed out that the Minister is not prepared to trust the Aboriginal councils to make a proper adjudication of the people they want to represent them. He referred to the co-operative shop, and I know the problems in that regard. As I understand that the Minister wishes to get these people into the frame of mind where they want to accept responsibility, we should not interfere. However, this provision will perpetuate that argument and interfere with the affairs of the Aboriginal council regarding nominations. If that is the Government's policy, it should not complain if there is interference by one country in the affairs of another.

Mr. McKee: You wouldn't be referring to Rhodesia, would you?

Mr. SHANNON: That is one case, but there are others. I think the Minister realizes that my suggestions are constructive, not destructive, and that they achieve the object that he is seeking. The trust is the keystone of this structure and if the keystone is ill-founded the arch falls. I hope the Minister will have a second look at this part, because I do not think it reflects his own views. It leaves on the white man a stigma that ought not to be there.

The Hon. G. G. PEARSON: The member for Onkaparinga has put his finger on a difficult problem. The chairman and the first two members will be appointed by the Governor. I hoped that the Minister would have been able to tell us that at least the other two members appointed by the Governor would be representatives of a council. However, that is not so. They are to be selected by the Minister. Until four councils have their nominees appointed by the Governor and sitting on the trust, the trust will not work as most of us thought from the beginning that it would work.

The chairman has a deliberative vote as well as a casting vote, so if three council members on the trust hold a different opinion from that held by the chairman and the other two members, the matter will be resolved as the members first appointed lay down. I do not think the Minister will lose anything by agreeing to our request that he have another look at this provision and re-word it.

The Committee divided on the amendment:

Ayes (14).—Messrs. Bockelberg, Brookman, Ferguson, Hall, Heaslip, McAnaney, Nankivell, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (16).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hutchens, Langley, Loveday, McKee, Ryan, and Walsh.

Pairs.—Ayes—Messrs. Coumbe, Freebairn, and Millhouse. Noes—Messrs. Bywaters, Hurst, and Jennings.

Majority of 2 for the Noes.

Amendment thus negatived.

Mr. RODDA: I move:

In subclause (3) to strike out all words after "years" first occurring.

We should not discriminate against people who have served two terms and are willing and able to continue. I am not prepared to discriminate against any of God's creatures in any shape or form. If an Aboriginal is able to serve for two terms on the trust he should not be precluded from serving a further term because of his colour.

Mr. HEASLIP: This clause deprives Aborigines of the right to run their affairs. No doubt they will make mistakes but they can learn from them.

The Hon. D. A. DUNSTAN: Unfortunately, the suggested amendment will not achieve what is sought by the honourable member, but I

agree that there is something in the point that there should be freedom to reappoint a member if it is considered advisable.

Mr. RODDA: In view of the Minister's assurance and co-operation, I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. D. A. DUNSTAN moved:

In subclause (3) to strike out all words after "re-appointed".

Amendment carried.

The Hon. Sir THOMAS PLAYFORD: What is the purpose of subclause (4)? It can be used only to fill a vacancy, but the Governor can already do that.

The Hon. D. A. DUNSTAN: The purpose of the provision is to ensure that the Governor in filling a vacancy shall do so only in relation to the nine extra members of the trust appointed on the recommendation of the Aborigines reserve councils.

Mr. SHANNON: Is it not possible for a vacancy to occur among the three original members appointed by the Governor?

The Hon. D. A. DUNSTAN: Yes.

Clause as amended passed.

Progress reported; Committee to sit again.

STATISTICAL RECORD OF THE LEGISLATURE.

The SPEAKER laid on the table the Statistical Record of the Legislature, 1836 to 1965.

Ordered that report be printed.

ADJOURNMENT.

At 9.52 p.m. the House adjourned until Wednesday, August 3, at 2 p.m.