HOUSE OF ASSEMBLY

Wednesday, October 26, 1966.

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

QUESTIONS

SALISBURY SCHOOL.

Mr. HALL: I have been informed by a Salisbury resident that the Education Department has purchased 80 acres of land abutting Salisbury Highway, north of Shepherdson Road, that is almost adjacent to the Parafield Gardens Primary School. If the report is correct, it would indicate that a considerable extension of educational facilities in the area is planned. Can the Minister of Education say whether the report is, in fact, correct; if it is, can he say for what purpose the land is to be used in future; and, if he cannot, will he obtain a report on the land's possible use for education purposes?

The Hon. R. R. LOVEDAY: Although I believe I know the reason for the purchase, I should like to make sure, because I cannot visualize the exact locality. I will obtain a report for the honourable member.

GAWLER WATER SUPPLY.

Mr. CLARK: Last evening I was presented with a letter addressed to the Minister of Works and signed by a number of constituents (all living in two streets) in my district, and was asked to draw the Minister's attention to the poor pressure and condition of the water supplied to the area concerned. I understand that these residents, having contacted the District Superintendent at Gawler, have been told that they should refer the matter to me, and thence to the Minister. The letter concludes as follows:

> Under the circumstances we feel that there is ample justification for an improvement in pressures in these streets and we request that the matter be investigated and conditions rectified as a matter of urgency.

If I pass the letter on, will the Minister of Works investigate the matter, and ascertain whether this request may be favourably considered?

The Hon. C. D. HUTCHENS: As soon as I receive the letter, the matter will be promptly investigated.

KINGSCOTE SCHOOL.

The Hon. D. N. BROOKMAN: The school committee and fire prevention authorities in Kingscote have raised with me the matter of fire precautions at the Kingscote Area School. At present, although the water main passes the school, there are insufficient installations to enable every classroom to be reached by hoses. The installations there were put in some years ago and, when I last raised this matter with the then Minister of Education, he said that there was no proposal to alter the present system. As there has been considerable development in the school during the last few years (including the erection of science classrooms and other facilities), will the Minister of Education ask his department whether there are special circumstances that would make it feasible for extra facilities to be installed so that protection for the school will be fully adequate?

The Hon. R. R. LOVEDAY: I believe the honourable member is aware that this request was made to my predecessor and, after examination, the Government of the day decided that it could not extend existing services. From the information on the matter that I have seen, I understand that much expense is involved. However, I will reconsider the matter in the light of the present circumstances and bring down a report for the honourable member.

WALLAROO MOTEL.

Mr. HUGHES: I wish to ask another question about the erection of a motel at Wallaroo. Although I do not wish to be over-persistent in this connection, I realize the great advantages such a motel would have for my district. In the company of a member of the new motel syndicate and the Deputy Director of Lands I met the Minister of Lands in his office on Monday last to discuss the allocation of a new site to be used for a motel in Wallaroo. He said that certain formalities had to be complied with before he could even consider having the land known as Kohler Park gazetted open to application under agreement to purchase. Because of the urgency of this request, can the Minister say whether the formalities have presented any difficulties and, if they have not, can he say when he will be able to have the land gazetted?

The Hon. J. D. CORCORAN: Because of the honourable member's question yesterday and because of his interest in the matter, I inquired of the department this morning about what progress had been made on the matter, and I am pleased to inform the honourable member that it now appears as though it will be possible, on Friday week, to gazette the area to which he referred open for application. The

honourable member said that he had been persistent in this matter. However, I appreciate his persistence because I also realize that this project is important to the town of Wallaroo; therefore, my department is doing everything possible to ensure that the land in question is gazetted open for application as soon as possible.

BRASS BANDS.

The Hon. B. H. TEUSNER: When speaking in the Address in Reply debate earlier this year, I drew the attention of the Minister of Education to the fact that in some other States brass instrument tutelage was carried out by the music branch of the Education Department. I also pointed out that I had noticed an increased interest in brass band work in South Australia, particularly in relation to the junior field of brass banding. I asked the Minister to ascertain whether the Government would appoint a brass instrument tutor to the music branch of the department, as I considered that the advice and work of such a person would be of inestimable benefit to junior bands in South Australia. As I understand there are some junior bands in secondary schools, has the Minister of Education considered this request and, if he has, with what result?

The Hon. R. R. LOVEDAY: I have carefully considered this matter and, as Minister, I desire to promote all fields of music in our schools. However, I have received reports from my officers who consider that it would be better for children in primary schools who have musical ability to be encouraged to develop their talents on such instruments as the violin, cello, and piano, and this is being done to an increasing extent this year. At the secondary level, some high and technical high schools have brass bands, particularly in association with cadet units, but because of the considerable cost involved and the difficult financial position it is not possible at present to increase our work in this field of music. I assure the honourable member, however, that as soon as it is possible to do so I shall be favourably disposed towards such action.

GAUGE STANDARDIZATION.

Mr. CASEY: Will the Premier obtain a report from the Minister of Transport on the progress, if any, being made on the standardization of the rail link between Broken Hill and Cockburn? This link is important, because there is a feeling of disquiet in the northern community that the standardization work between Cockburn and Port Pirie could be completed, but the existing 3ft. 6in. link between Cockburn and Broken Hill would still have to be used. Will the Premier obtain this report soon?

The Hon. FRANK WALSH: Yes, because this is a most important link. If any delay in the standardization scheme resulted from the non-completion of work referred to, it would retard the standardization of the gauge from Western Australia to Brisbane. I shall take up this matter immediately with my colleague.

HOSPITAL CHARGES.

Mr. BROOMHILL: Has the Attorney-General a reply from the Minister of Health to my recent question whether Commonwealth health benefits could be paid for the complete period of hospitalization, including both the day of entry and the day of discharge?

The Hon. D. A. DUNSTAN: The Minister of Health reports:

All hospitals in the State with the exception of Government hospitals are run either privately or, in the case of Government-subsidized and community hospitals, by boards of management. In such cases as these, the proprietors or the boards of management set their own scales of fees and if they decide to charge for both the day of admission and the day of discharge this department would have no jurisdiction in the matter. The National Health Act, in section 39, specifies for the purposes of payment by the Commonwealth of hospital benefits that:

> The day of admission and the day of discharge or death of a qualified patient shall be counted together as one day.

This has always been the principle adopted by the Commonwealth with regard to the payment of hospital benefits and it is considered that any approach by a State Minister of Health to have this section varied would be unsuccessful.

AUBURN WATER SCHEME.

Mr. FREEBAIRN: I understand that the Minister of Works has a reply to a question I asked last week about a water scheme for a group of landholders in the Auburn district.

The Hon. C. D. HUTCHENS: From an examination of records, it is assumed that the petition referred to by the honourable member was one convened by Mr. S. D. Reid and forwarded direct to the department, requesting extensions of water mains to properties in the hundred of Upper Wakefield east and south-east of the township of Auburn. The petition was dated March, 1965, and was forwarded and supported by the District Council of Upper Wakefield. The request was subsequently

investigated and a scheme prepared which involved the laying of some 3¾ miles of main, at an estimated cost of $19,000, to serve the 13 properties involved. On the revenue side, however, the return on the capital outlay was insufficient, and for this reason and because the department's Loan funds for this financial year were totally committed, the scheme could not be recommended. Both Mr. Reid and the district council were advised of the position by the Director and Engineer-in-Chief on December 10, 1965, but were told the scheme would be reviewed when finance became available. As I mentioned earlier, however, the return of revenue is inadequate, and if the scheme is to be proceeded with at a later date, annual guarantees from the landholders will be required to make up the deficiency.

MODBURY SCHOOL ACCESS.

Mrs. BYRNE: The Modbury South Primary School and the Modbury High School are inaccessible from Hope Valley proper because of the barrier formed by Tolley's vineyard. The Minister of Education knows that the Modbury South Primary School was built to relieve pressure on existing primary schools, and, if a walkway or access road is not made, children will not attend the school, thereby defeating the purpose of its erection: the children will continue to attend neighbouring primary schools. I mentioned this matter when speaking on the Budget last year. Will the Minister consider making an approach to the owners of this property so that a walkway, or some other access, may be provided through the vineyard?

The Hon. R. R. LOVEDAY: I shall consider the request to see whether some form of approach to the school can be provided.

GOVERNMENT INSURANCE OFFICE.

Mr. COUMBE: His Excellency the Lieutenant-Governor said in his Opening Speech that the Government intended to introduce a Bill to set up a Government insurance office. Can the Premier say whether the Government still intends to proceed with this measure and, if it does, will it be introduced before November 17?

The Hon. FRANK WALSH: I am unable to answer the question completely at this time, and I do not desire to telegraph my punches to the insurance companies. Although the Government intends to introduce legislation along these lines, I cannot say whether it will be introduced this year or next. However, the matter is still being considered.

INTAKES AND STORAGES.

Mr. LANGLEY: As most people in this State are vitally concerned about our water supply, can the Minister of Works say how much water is held in the reservoirs at present, and whether pumping will be necessary soon?

The Hon. C. D. HUTCHENS: The holdings in the metropolitan reservoirs are fairly satisfactory at present. The capacity of these reservoirs is 23,824,000,000 gallons. At the beginning of the week 20,026,400,000 gallons was held, which is fairly satisfactory for this time of the year. The information received yesterday for the previous 24 hours revealed that consumption and evaporation resulted in a decrease of 80,200,000 gallons in the reservoirs. Although I am concerned at that decrease, it is expected that pumping will not be necessary until next February or March at the earliest. However, that will depend on co-operation received from consumers: if consumers use only what is necessary and do not waste water, I hope that we shall have a satisfactory year in regard to water consumption and pumping charges.

CARRIBIE BASIN.

Mr. FERGUSON: The Minister of Works may recall that in November last I presented to him a petition signed by constituents in the hundred of Carribie in the southern portion of Yorke Peninsula, seeking a water reticulation scheme. More recently, in answer to a question about underground supplies in this area, the Minister said:

From the statement given by the Minister of Mines, it is apparent that the Carribie Basin will be suitable for limited development and that a small area in Southern Yorke Peninsula could be supplied from this basin. As soon as the report is received from the Mines Department, an investigation will be made and the scheme prepared for the development of the Carribie Basin.

Can the Minister now say whether the report has been received from the Mines Department, whether an investigation has been made, and whether a scheme is being prepared to develop the Carribie Basin?

The Hon. C. D. HUTCHENS: Although the report from the Mines Department has not yet reached my table, I should be surprised and, indeed, disappointed if it had not been made available to the Engineering and Water Supply Department. If the department has received the report, I am sure investigations have been started. However,

to be exact, I shall call for a report and notify the honourable member when it is to hand.

CIVIL DEFENCE.

Mr. SHANNON: Recently, as the Premier is aware, an unfortunate incident occurred in the Mylor area, in which Emergency Fire Services officers (who act in a purely honorary capacity) were engaged in the search for the girl concerned. These men are also largely responsible for the civil defence activities in the area. I have received a request from the Mount Barker council concerning the old Electricity Trust depot at the junction of Wellington and Alexandrina Roads at Mount Barker. At present the equipment for civil defence training is scattered in various parts of the town, including the show pavilion on the old Mount Barker showground, which, of course, is not particularly convenient for training the personnel engaged in this activity. Having been given the job of approaching the trust to ascertain whether the depot could be obtained at a reasonable price, I received a letter, the relevant part of which states:

We have given consideration to this request but we are not prepared to dispose of the trust's property at other than market values.

That may be all right for the trust, but I point out that the people engaged in civil defence activities in the area do so in an honorary capacity, and that the obligation to provide funds for the necessary equipment can hardly devolve on these people. Although the council is prepared to help, I think its funds also are limited. Can the Premier say whether any possibility exists of securing a Government grant to assist in the acquisition of the desirable asset I have mentioned? I point out that a shed on the property would admirably suit the purposes of the officers concerned. Is there a possibility of obtaining financial assistance for the council to acquire the property from the trust at market value?

The Hon. FRANK WALSH: I am willing to take up the matter with both the Chief Secretary, who is responsible for civil defence activities, and Treasury officials.

PENOLA COURTHOUSE.

Mr. RODDA: I have received a request from the Penola District Council, again drawing attention to the unsatisfactory conditions at the Penola courthouse, and referring to an approach made several years ago, as a result of which certain developments took place. The council has further stated that at present people who have to appear in court must stand outside and await their turn to be called, at the same time being exposed not only to weather but also to public view. Will the Minister of Works ascertain whether his department at present has anything on the drawing board in regard to this courthouse, or whether provision will be made in next year's Estimates to rectify the situation?

The Hon. C. D. HUTCHENS: As the honourable member is well aware, these conditions have existed for many years. However, what has not been possible in the past will, we hope, be possible in the future. As the honourable member also knows, the Government is heavily committed to building programmes for the current financial year. Nevertheless, I shall have the matter investigated and confer with the Attorney-General in order to ascertain the order of priority that this project may receive.

HOUSING LOANS.

Mr. McANANEY: A big increase in housing loans insurance has occurred throughout Australia, and it is estimated that $25,000,000 will be invested in this way. As such a scheme eliminates second mortgages at a high rate of interest, I believe it is worth while. However, the scheme has not been used as extensively in South Australia as it has been in the other States, only 79 South Australian applications out of a Commonwealth total of 1,413 having been made—slightly less than half the Australian average. Will the Premier, as Minister of Housing, say why the scheme has not been used more in this State?

The Hon. FRANK WALSH: I will obtain a report on the matter for the honourable member as soon as possible.

HIGHWAYS VEHICLES.

Mrs. STEELE: Has the Minister of Lands, representing the Minister of Roads, a reply to my question of last week about the purchase of vehicles by the Highways Department?

The Hon. J. D. CORCORAN: My colleague reports that his department has no knowledge of any vehicles being purchased for the Police Department out of Highway funds.

LEGISLATIVE COUNCIL FRANCHISE.

Mr. RODDA: Last weekend in the political commentary that appears in the press, the Party of which I am a member was taken to task by the Party of which the Premier is a member. The press commentary stated.

The South Australian Liberal and Country League must be afraid of democracy because it has always rejected the principle of universal

franchise for the Legislative Council. The Liberal and Country League shows it fears democracy when it rejects the right of our wives to vote for the Upper House of the State Parliament unless they own property, and this is why, in South Australia in the twentieth century, we still lack the basic ingredient of democracy.

Can the Premier say why his Party would make that claim now when, in the last Parliament, it rejected a Bill which provided for wives of enrolled electors to have the right to vote at Legislative Council elections?

The SPEAKER: I am sorry, but I cannot allow that question. No member of Cabinet can be held responsible for comments in newspapers for which he is not personally responsible. The question is out of order.

Mr. McANANEY: Last week, in legislation before Parliament the Government gave special privileges to widows of people who owned houses, and this proved that it believed there should be a discrimination between those who owned houses and those who did not. Does the Premier intend to introduce legislation as the previous Government did, concerning the wives of property owners having a vote at Legislative Council elections?

The Hon. FRANK WALSH: I understand that this question relates to an amendment to the Constitution Act. This Government has a firm policy on the franchise to be extended to all people of this State, whether in respect of the election of this House, of another place, or of the Commonwealth Parliament. We believe that one roll should be sufficient franchise for all people, and we will not depart from that principle. If the honourable member is prepared to assist I am prepared to have it ready for February 28, 1968, so that he can go ahead with it.

INADMISSIBLE QUESTIONS.

Mr. MILLHOUSE: My question to you, Mr. Speaker, arises out of the rulings you gave yesterday and again today on questions being out of order. If you remember, yesterday you ruled two questions out of order a considerable time after both had been asked by members and answered, I think, by the Premier.

The Hon. Frank Walsh: One was.

Mr. MILLHOUSE: Well, I do not know about the other one. Certainly the one asked by the member for Port Pirie had been asked and answered a considerable time before you, Sir, subsequently ruled it out of order. Is it not the customary practice to rule on the admissibility of a question at the time it is asked? What is the effect of your ruling a question out of order a considerable time after it has been asked and answered? Does it mean that it is excised from *Hansard* or that the Premier, in the case of the first question yesterday, should not act as he undertook to act in answer to the question?

The SPEAKER: The reason for the delay in giving the ruling was, first, that I find it necessary to hear the complete question. In fact, once yesterday I was specifically requested to do that, before I gave my ruling, by the honourable member himself. Secondly, it so happens that the Speaker's copy of Erskine May has been sent back to the publishers because it had a number of pages missing. Therefore, it was not easy to refer to May quickly.

Mr. McKee: What happened to it?

The SPEAKER: The pages were never in it; it was a book-binding error. I have not had much experience in the Chair (for which I apologize) and therefore find it difficult to give satisfactory rulings without some opportunity for considered thought. In answer to the latter part of the honourable member's question, questions will remain in *Hansard* but there will be no replies given in the House. What the Premier or any other Minister does outside the House is entirely his own business but these question will not be asked again or replied to here. The Standing Orders are designed to provide for the smooth operation of Parliament on matters which concern the State and which are the business of the Government and of the House. In that light, I will try to interpret them fairly for all members.

PORT LINCOLN TUNA BERTH.

The Hon. G. G. PEARSON: On August 4 this year, the Public Works Committee tabled a report in Parliament on the proposal to build a tuna berth at Port Lincoln, and recommended scheme "A" at a cost of about $510,000. As the Minister of Marine will be aware, the catch of tuna at Port Lincoln tends to grow each year, although I admit that each succeeding year does not see a record. The increased application of the purse-seine method (which, in view of the deep water operations, appears to be returning to favour as a method of fishing for tuna) will probably raise the total catch substantially. I know the Minister was unable to consider this matter when the Loan Estimates were prepared this year because the report of the committee was not before the House. However, can he give an assurance

that the matter will receive earnest consideration when next year's Loan Estimates are prepared, and can he forecast when the work will be commenced and completed?

The Hon. C. D. HUTCHENS: This matter has been considered by the board and is on its agenda. One problem confronting the board in its consideration of this proposal is the fact that, as a wharf for fishermen entirely, this berth would not produce any revenue because we are not able to charge fishermen wharfage charges. We have been asked to consider the matter and Cabinet has discussed it. I have talked with the General Manager (but not with the board directly) about the matter, and he considers it important and one of the urgent projects for next year.

HOLDEN HILL INTERSECTION.

Mrs. BYRNE: On October 19, in reply to a question, the Minister of Roads reported through the Minister of Lands that it was intended to install a roundabout at the intersection of the Main North-East Road and Grand Junction Road, Holden Hill, thus improving the safety of the intersection. This was welcomed by people in the district. However, no mention was made of the fifth road meeting at this intersection, namely, Valiant Road, although I referred to it in my previous question. Will the Minister of Lands obtain a report on the Highways Department's plan for this road in the scheme as outlined?

The Hon. J. D. CORCORAN: I shall be happy to obtain a report from my colleague soon.

PORT PIRIE OFFICES.

Mr. McKEE: Last July, the Minister of Works said the Director and Engineer-in-Chief had reported that provision had been made to construct a new office block for the Engineering and Water Supply Department at Port Pirie. Has the Minister a report on the progress of this building? If not, will he obtain one, including an estimate of the date on which the building will be commenced?

The Hon. C. D. HUTCHENS: I shall be happy to obtain a report.

DIABETES.

Mrs. STEELE: In the absence of the Attorney-General, representing the Minister of Health, I direct my question to the Premier. Diabetes in the community is increasing and a recent estimate established that child diabetics in South Australia numbered some thousands. In view of this recent estimate, I was interested to read that at present at Busselton, in south-west Western Australia, more than 600 electrocardiograms have been taken as a prelude to the diabetic and general health survey that is to be made there from November 20 to December 3 this year. In view of the position in this State, and the fact that statistics indicate that the incidence of diabetes is increasing, will the Premier refer this matter to the Minister of Health and ascertain whether a similar pilot survey could be instituted here and steps taken to detect unknown diabetics and people with high blood pressure and anaemia, kidney disease and gout, so that they might be helped by early treatment? I understand the cost of the Western Australian survey is about $6,000. Will the Premier refer this matter to the Minister of Health for a report?

The Hon. FRANK WALSH: I shall be pleased to do so.

UNIVERSITY QUOTAS.

Mr. MILLHOUSE: Last week I, and I think other members on this side, asked the Minister of Education questions concerning the announcement that quotas were to be enforced in the universities in this State from the beginning of the next academic year. Last Thursday, the Minister was not able to give any information about the quotas likely to be imposed at the Flinders University because, he said, the Vice-Chancellor of that university had returned only on that day. However, as six days have passed (and I should have thought that that would be time for the Minister to discuss the matter with Professor Karmel), can the Minister give any information to the House and to the public on the important subject of what, if any, quotas will be imposed at the Flinders University?

The Hon. R. R. LOVEDAY: I have not yet discussed this subject with Professor Karmel, but I shall refer it to him to see whether he can give me any information.

DEMONSTRATION.

Mr. QUIRKE: Last week I asked a question of you, Sir, concerning the funny-looking individuals parked on the steps of Parliament House. Whilst I am not entirely aware of what led to their removal by the police, they were certainly removed in a way—

The SPEAKER: I ruled yesterday that questions concerning that incident were *sub judice*.

Mr. QUIRKE: I see. What about the new incident—the one this morning? My new question concerns the fact that this morning a fresh group of protesters was protesting against the action taken against the protesters of the first part. Today, they folded their tents, like the Arabs, and silently stole away. My point is that the police have been placed in a most invidious position. Are these people loitering? Do they commit any offence in any way? If they do—

The SPEAKER: That question is involved in the question arising out of last week's incident, and that is *sub judice*.

Mr. QUIRKE: I shall have to wait until next week. I obey your ruling, Sir.

PARLIAMENT HOUSE STEPS.

Mr. QUIRKE: I direct another question to you, Mr. Speaker. Do the steps of Parliament House constitute a public place, or are they entirely under the jurisdiction of the Speaker of this House and the President of the Legislative Council?

The SPEAKER: That question contains an element involved in the previous question. The honourable member has no hope whatever of drawing me on that subject.

EVAPORATION BASINS.

Mr. CURREN: Some weeks ago, in reply to a question I was informed that drainage water was being released into the Murray River from the evaporation basins at Berri and Cobdogla. Can the Minister of Irrigation say whether releases have been made from the evaporation basins as Loxton and Renmark, and what is the expected flow in the river into South Australia during each of the next three weeks?

The Hon. J. D. CORCORAN: I know that water has been released from the Berri evaporation basin over the past two months. In fact, I think it is now 4ft. below design level. Some water has been released from the Renmark evaporation basin but I am unsure about the quantity. I am unsure also whether water has been released from the Cobdogla and Loxton basins. I will obtain a report.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Second reading.

The Hon. R. R. LOVEDAY (Minister of Education): I move:

That this Bill be now read a second time.

This Bill deals with local government accounting. Investigations carried out by the Auditor-General and complaints received both by the Minister and the Auditor-General indicate that many councils digress from the general provisions of the Act, sometimes in a serious manner. The amendments made by this Bill are designed to tighten up the provisions respecting local government accounts to ensure as far as possible that everything is regulated in a proper manner.

I shall now refer to the provisions of the Bill in order. Clause 3 amends section 158 of the Local Government Act which provides that a council may pay such salaries, allowances, etc., to its officers, including the auditor, as the council determines. The clause removes the reference to the auditor and inserts a new subsection providing that a council shall pay to its auditor such minimum remuneration as the Minister, on the recommendation of the Auditor-General, may fix. In many cases fees paid to council auditors have been found to be far too low to provide for a proper audit. Some councils, indeed, adopt the practice of seeking and accepting the lowest fees obtainable (even calling tenders which is thought to be undesirable). Investigations have shown that in many cases proper audits have not been carried out. The setting of appropriate fees would ensure proper and efficient audits. The setting of fees is not uncommon; for example, in Victoria auditor's fees are set in a somewhat similar manner.

Last year a private Bill was introduced to provide that auditors be approved by the Auditor-General. This is not considered necessary because auditors are required to hold the Local Government Auditor's Certificate issued by the Local Government Auditors Examining Committee of which the Auditor-General is Chairman. It is not the ability of auditors which is questioned but the quality of the audits which in many cases has been governed by the low fees.

Clause 4 relates to payments of accounts by councils. Section 286 of the principal Act requires all amounts received on a council's account to be paid into a bank, payment therefrom of amounts exceeding $4, except wages, to be by cheque signed by the mayor, chairman or any councillor and countersigned by the clerk or some other appointed officer. The amount of $4 is now raised to $10 to take account of the change in money values. It is often necessary for amounts to be paid before

a council meeting can give approval for payment. For example, an employee who is dismissed or has resigned requires immediate payment of wages, and payments of accounts where discount is involved must be made immediately. It is often impossible for the clerk to obtain at short notice a councillor's signature. Accordingly provision has been made for the use between council meetings of an advance account to be operated on by the clerk and countersigned by some other person appointed for the purpose. The advance account must be authorized by the council by resolution and payments against it are subject to confirmation at the following council meeting.

The next amendment is made by clause 5 of the Bill which amends section 295 of the principal Act. That section provides for inspection by the Auditor-General from time to time. It has now been recast, not only to retain the powers of the Auditor-General, but also to provide that the accounts, records and procedures of any council shall be audited from time to time by officers appointed by the Minister. This will enable the appointment of inspectors of local government accounts as is provided in practically every other State in the Commonwealth. While inspections by the Auditor-General have been most necessary and it is essential that his powers be retained, the Auditor-General has not the staff to carry out the regular inspections which are considered desirable. Subclauses (1) to (3), inclusive, provide for inspection by departmental officers, subclause (4) for the retention of the Auditor-General's powers and subclause (5) empowers the Minister to give directions to a council if reports reveal that the council has not complied with any statutory provisions.

The last amendment is made by clause 6 of the Bill which relates to regulations. A committee to investigate council accounting principles with a view to providing a standard system of accounting proposed to recommend that regulations be made to provide for standard accounting and financial procedures. The regulation-making power in section 691 of the principal Act is not sufficiently wide to enable the making of the proposed regulations. It is considered that the new procedures should be the subject of regulations. The clause will enable the making of regulations on matters of accounting, the books of accounts and records to be kept, the adoption of annual budgets, and quarterly budgetary statements. It is, however, provided that any regulations concerning accountancy methods, books of accounts, forms and records, and the manner and retention of prescribed books, forms and records, are not to come into operation until they have been laid before both Houses of Parliament and not disallowed. The general rule is that regulations come into force immediately, subject to disallowance. The new provision is that they shall not come into force until both Houses of Parliament have had the opportunity of considering them. As I have said, recent investigations have shown that some definitive control over accounting procedures should be established with a view to the protection not only of council accounts but of the ratepayers, and the provisions of this Bill are designed to enable the necessary steps to this end to be taken.

Mr. HALL secured the adjournment of the debate.

COTTAGE FLATS BILL.

The Hon. FRANK WALSH (Premier and Treasurer) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to authorize the Treasurer to pay to the South Australian Housing Trust for the purpose of providing housing for persons in necessitous circumstances certain moneys out of the Home Purchase Guarantee Fund under the Homes Act, 1941-1962.

Motion carried.

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

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

Its purpose, as the long title states, is to enable the Treasurer to pay to the South Australian Housing Trust for the purpose of providing housing for persons in necessitous circumstances certain moneys out of the Home Purchase Guarantee Fund under the Homes Act, 1941-1962. The South Australian Housing Trust for some years has been constructing groups of small flats to house in the main old age pensioners and others in necessitous circumstances. The need for this type of accommodation is increasing annually, even though various church and other charitable organizations have been erecting similar flats for elderly folk. These organizations have been entitled to a two-to-one capital contribution from the Commonwealth Government, which means that only one-third of the capital cost has to be found from their own

resources. The trust on the other hand cannot take advantage of this subsidy and, consequently, it loses substantially on each flat as far as rent is concerned, the rent necessarily being low in all cases of this type.

Many of the aforementioned organizations obtain much of their one-third capital contribution from their prospective tenants, who provide a "life-interest" payment. This means that a large percentage of pensioners without capital have to rely on the trust to provide the necessary accommodation at rentals within their means. The trust is building separate designs for couples and for women living alone. In recent years, it has concentrated its efforts towards assisting women living alone, as they constitute the greatest single housing problem of the present day. As well as those who remain unmarried, the large number of widows who apply to the trust are obliged to live lonely lives for years until their application is satisfied. During this period of waiting it is not unusual for them to move many times from accommodation to accommodation which is often unsatisfactory for a variety of reasons.

A further problem relating to the housing of elderly people is manifesting itself in many of the houses built by the trust many years ago. Children have grown up, married and left the family house, and only the aging parent (or parents) remains in a house that normally provides shelter for four, five or more people. Such accommodation can better serve a young family, whereas, should the elderly folk remain, the rent frequently has to be reduced. This fact further limits, it will be appreciated, the trust's ability to provide additional housing. As at June 30, 1966, the trust had invested $2,795,000 in these cottages, and 804 cottage flats have been completed. In present contracts 51 flats remain to be handed over, and tenders are presently being called for a further 100 flats. The trust, realizing the extreme need for this type of housing, would like to be building them at a much greater rate, but is limited financially to the present rate of building. It is estimated that the current weekly loss on each flat averages $2.10 (or about $87,000 per annum) and from this it can be appreciated that any special provision that can be made by the Government will relieve the trust to that extent in its programme.

Clause 3 accordingly provides that the Treasurer may from surplus moneys in the Home Purchase Guarantee Fund, which is kept under the Homes Act, 1941-1962, pay to the South Australian Housing Trust $50,000 for the next five financial years beginning in the present financial year. In this connection, it may be mentioned that the present balance in the Home Purchase Guarantee Fund held as a reserve against obligations undertaken by the Treasurer up to June 30, 1966, was $297,000, and this has latterly been increasing at the rate of about $80,000 a year. The Government therefore considers that it can afford to make the annual payments provided for in this clause over the next five years and still retain an adequate reserve to meet any contingent liabilities upon guarantees under the Homes Act. An arrangement will be entered into with the trust that these annual amounts will be matched on a dollar-for-dollar basis by the trust out of its surplus funds.

Clause 4 lays down that the trust must expend these annual sums of $50,000 for the purpose of building cottage flats that will be let by the trust to persons in necessitous circumstances. It is not considered necessary to provide in the Bill what the minimum weekly or monthly rentals should be. This matter can safely be left in the hands of the trust to determine subject, of course, to normal Ministerial supervision. Clause 5 deals with the application by the trust of the rents received from cottage flats; and clause 6 is the usual appropriation provision. I commend this Bill for the consideration of honourable members.

Mr. HALL secured the adjournment of the debate.

PROHIBITION OF DISCRIMINATION BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 2526.)

The Hon. G. G. PEARSON (Flinders): I approach my discussion on the Bill with mixed feelings. I believe it is rather unfortunate that it should have been introduced at all at this time. Nevertheless, as it has been introduced, I find myself in a position of almost a forced labourer in that it seems necessary to support it because of the principle contained in it. The principle to which I refer is that the United Nations Draft Convention on Racial Discrimination has received attention by the Comonwealth Government. The State Government has acknowledged that fact and, as the Minister said in introducing the Bill, its purpose is to give effect to the information given by the State to the Commonwealth Government that the South Australian Government believes that the whole of the United Nations Draft

Convention should be ratified. Because of the principle to which I think we all subscribe, that racial discrimination is undesirable, improper, immoral (on some interpretations of the term) and against the basic teachings of the New Testament that claim that all men are equal, I am not disposed to object to it outright. However, I point out that I believe its introduction into the House at this time is unnecessary and undesirable and will probably do despite to the very cause it appears to espouse.

The Minister said that South Australian citizens clearly disapprove of discrimination by reason of race, skin or country of origin. I think that is true. Apart from perhaps isolated cases of some people who may have had unfortunate experiences during some period of their life which have shaped their judgment, most people of unbiased and uninfluenced views would agree that there is a place for everybody in the community and, providing they observe the codes of behaviour acceptable in the community, they should not suffer any disability by reason of any national or colour characteristic. The way that citizens of the State and of the Commonwealth have absorbed and assimilated great bodies of new citizens from oversea countries in the post-war period, and the fact that there have never been any problems of any magnitude arising therefrom, is testimony of this fact. When we consider that one in 10 of the inhabitants of Australia at present came from oversea areas or are the progeny of such persons or children who came with them (and the ratio is even higher in South Australia because of the greater number of oversea people, pro rata who have come here to settle), then I think we appreciate the fact that we are a tolerant people and seek to co-operate with people from other countries and of other races, a large number of whom, of course, are of our own stock but nevertheless came to this country with somewhat different backgrounds and customs to our own.

Therefore, I find it hard to accept the Minister's assurance that the Bill is necessary. He has introduced it on the premise that it is preventive in character. He says that if the Bill had not been foreshadowed there would have been in South Australia some instances of friction and problems arising, of a similar nature (and I believe this is what he was thinking of) to those that occurred in New South Wales, for example. I believe it is a principle in all legislation that it should be remedial. If the Minister thinks prevention is a form of remedy then I suppose he had justification, even under that premise, for introducing it. Regarding New South Wales I believe that some of the more recent incidents that occurred in that State would not have occurred had it not been for organized provocation on the part of people to see that incidents did occur. I know some of the people involved in the organized programme in that State, and they set out to take a group of people into given areas where they thought trouble could be made. They succeeded in a mild way in arousing some trouble. Of course, in itself, this does not justify this legislation. I suppose there will always be provocation by one group of people against another whether for a colour, national or some other reason. One has only to go to a soccer match to see how these things arise. Indeed, intolerance and man's inhumanity to man can, under certain conditions, rise to the surface and become obvious.

I doubt (and I say that with all the force of which I am capable) whether this legislation is required in this State, and I doubt whether it will do any good. Indeed, I have some fears that it will have a back-lash effect and do some harm. My reason for saying that is because I believe (and in my administration of the Aboriginal Affairs Department I saw some instances of this) that when people get the idea that they have been the subject of some special care and attention, and when it is pointed out to them that they have certain rights in a community as a result of changes proposed in legislation or in administration, then there is a tendency for them to flaunt their new-found strength, power and prestige in the face of people whom they believe to be opposed to their interests. The then Director of Aboriginal Affairs told me, after we had taken what we thought was beneficial action, that these people were becoming demanding, and that they considered they had rights, which indeed they did have, but they forgot that the rights carried a responsibility and that they overassessed the rights conferred on them until they believed they had the right to act without restraint. That was a misunderstanding of the position, but it is all too prevalent among semi-primitive and unsophisticated people.

However, this legislation will encourage such a demand from people who do not understand that privileges carry responsibility and are not unlimited. Certain extremist elements (and that is used in a moderate form) will do as people did in New South Wales and flout

their new-found privileges in the face of people opposed to their interest in order to create an incident or a problem from which they receive notoriety. I doubt whether this legislation is needed, and it may do some harm. Sections of the community would never have thought of discriminating against people because of their colour or race, and they will be affronted because the Minister considers it necessary to introduce this legislation, which provides such severe penalties, in order to make them regulate their conduct, when it is not needed. That is an affront to the decent qualities of people: they do not discriminate but it is to those people that he now proposes that this legislation should apply. In the minds of people, not always able to understand the full implication of the privileges conferred on them, will be created a feeling that they have advanced at one stroke of the legislative pen from a position of inferiority to one of supreme superiority.

These people will be disillusioned and problems will be created. I have had experience of these matters in this State, in other States of the Commonwealth, and overseas, but I am not suggesting that I am an expert in the administration of these human problems. There are many unanswered and unanswerable problems facing the Minister of Aboriginal Affairs in this and other States. The Minister has been careful to avoid a direct reference or association to matters of Aboriginal assimilation in this State. I know, and he would not deny, that, although the Bill includes all people, it is intended to apply to the relationship between Aborigines and white people in this State.

Mr. Clark: He made that plain in his second reading explanation.

The Hon. G. G. PEARSON: I am not denying that, because it is the main purpose in his mind and in the minds of many of us. He has wisely drawn it to make no distinction between Aborigines and people of other races, and this is in line with present-day thinking. The Bill is intended to overcome Aboriginal assimilation problems in this State. In the last few years when the focus of public attention throughout the world has been spotlighted on the problem of colour and race, all Governments in the western world and those associated with the British Commonwealth have given much attention to the colour problem. People realize that it has become a black man's world and, for the first time in history, we must realize that numerically the Caucasian race and its offspring are outnumbered by Negroids and other races. In South Australia the pattern of thinking has followed this trend. When I became Minister there was an obvious awareness and concern about the world's attitude to the problem and the need to do something about it, and we began an overhaul of machinery and legislation in this State.

I do not believe there has been or will be any real problem in this State concerning racial discrimination. I have not seen evidence of it except in some possibly small isolated cases that have not been of a nature to be encompassed by this Bill, and in the attitude towards people often shown by the raising of an eyebrow or the lifting of the nose or by some derogatory attitude expressed or implied in a relationship. This Bill cannot do anything about that and does not seek to: a person's attitude cannot be changed by introducing legislation. We are dealing with a human problem not a mechanical, legal or fiscal problem. I have always said that no legislation or the mere putting on of a suit of clothes, hat and shoes will change a man, and the passing of this legislation will not change the attitude of one person towards another. We cannot do that. It is idle for us to believe that we are in any way changing the attitude of one people towards another people by bringing in this legislation. The attitude of one people towards another people is as different as chalk is from cheese in almost every part of the world.

For example, I visited Darwin *incognito* for three days and nights specifically to look at this matter. I moved around that city during the day and until about midnight; I wandered along main streets and back streets; I went into cinemas and milkbars to discover the relationship between peoples. There was no colour or racial problem that I could observe. I point out that there were people representative of all the races on earth—Australians, new-Australians, Chinese, Malays, Aborigines, and people from the islands to the north of Australia. There was a cosmopolitan air that pleased me. I stood on the sidewalk and listened to discussions among the groups of people, and watched the behaviour of people in hotels. Although there were many things about Darwin I disliked, it was commendable that there was no apparent awareness of race or colour, and people in the streets were getting along happily. On the Sunday morning while I talked to two young constables at the police station, a young couple passed by (one was

white and the other an Aboriginal). I asked the policeman, "What happens now?" He said, "We know these people to be very decent people; they will marry and there will be no raised eyebrows and no problems."

I then visited Alice Springs and found a different situation. The same laws apply and the same variety of peoples was seen, although it was not such a mixed population as Darwin. Certainly there were large numbers of whites and large numbers of Aborigines. I found that the whites drank in one bar and the Aborigines in the other. There was no law or proviso on the part of the hotel proprietor that this should be so. It just happened; there was a distinct awareness of race and colour and a disinclination on the part of one race to mingle with the other. This was in sharp contrast to the cosmopolitan tolerance in Darwin.

A few months ago my wife and I travelled for eight weeks on greyhound buses in the United States of America. We visited some 30 to 40 cities, including some of the so-called hot spots of racial discrimination—San Francisco, Los Angeles, Chicago and Washington. Members will recall that one of the worst riots in American history had occurred not long before our visit in the Los Angeles suburb of Watt. Since our departure there have been ugly incidents in Chicago. In Washington, the capital of the United States, negroes outnumber whites by a substantial majority. As we travelled, we talked to people in buses and in queues. I sat next to negroes and talked to them. We moved around the streets at night and talked to people in hotels, in cafes and in the streets to get the temper of the racial problem. I came away with the firm view that this matter was over-emphasized in the United States.

A Roman Catholic priest in Los Angeles gave me a critical run-down of the position in that city. He explained why a very small proportion of the total population of negroes in that city were the trouble makers and how they set about making trouble. Basically, it was a problem of housing and education. If their family life could be restored to a reasonable level then the problem in that particular area of the city would largely disappear.

I believe that the thirst of the public for news of any sort is at the heart of the matter. The necessity to meet editorial deadlines and to meet television requirements with news of a sensational nature has caused great over-emphasis to be placed on racial problems in the United States. I observed a vast degree of tolerance and co-operation between the various peoples and, generally speaking, they got along very happily together. I believe that at least 70 per cent of the negro population in the United States is living at a very satisfactory economic level. Probably 20 to 25 per cent is on the breadline, which is fairly high in the United States because of the high cost of living. However, probably 5 or 10 per cent of the negro population is really poor, illiterate, and living in slums. These people, assisted by some of the Black Muslims and the people who were born and dedicated agitators amongst the negro population, were responsible for the outbreaks of violence that undoubtedly occurred.

A rather astonishing fact that became evident to me in the United States was that it was a cosmopolitan country, composed of almost every nation of the world. However, the remarkable thing is that whether they be white, black, Jews or Chinese, people living in that country are all proud to be ostentatiously American. Indeed, Americans have succeeded remarkably in developing a pride of nationality amongst the cosmopolitan peoples there, in direct contrast to Canada where a sharp cleavage exists between the English and French stock.

I believe that the figures I have given and the facts I have attempted to convey are a reasonable assessment of the racial discrimination problem in the United States; if we take away the frills and froth of sensationalism and the rather overdone news reports, we obtain a much better-balanced view of the situation. The American Administration has endeavoured by legislative means in the last four or five years to speed up the process of better relationships between two peoples. It must be admitted that the Administration has substantially succeeded in this regard, not because of the legislation itself but because of the fact that the legislation has spotlighted the problem and forced people, who previously took only a casual interest in the matter, to take some interest and to express their views. Of course, the majority has come down on the side of abolishing any discrimination against coloured people. In the few cases where action was taken under legislation to give effect to it, troubles have arisen which, again, have focused public attention on the problem. Whereas legislation may have been necessary in the United States to break down centuries-old prejudices and attitudes between whites and negroes, this position does not exist and is not likely ever to exist in South Australia. The

Aboriginal population of South Australia is, at the most, 6,000, out of a population of just over 1,000,000.

The Hon. D. A. Dunstan: We've found it is decidedly more.

The Hon. G. G. PEARSON: I would not dispute it was more, but I would dispute the word "decidedly". The last time that I visited the North, there was an astonishing number of children at Ernabella, by virtue of the better pre-natal and ante-natal care received by mothers and, by better nutrition and housing for the Aborigines there, the rate of growth will continue to accelerate. I accept the Minister's correction, but for the purposes of my argument my figures are near enough, and the ratio is not substantially disturbed by the fact that 6,500 or 7,000 Aborigines may live in South Australia, for the figure is so small in regard to the total population that the situation in this State is not analogous to the situation existing in America. The United States legislation is at present having a rebound effect; people believe that it has had the effect of pressing the matter too hotly; and, with an election in the offing, and the President's prestige at stake in so many matters, the latest reports from that country definitely indicate that many people who were supporters of and perhaps enthusiasts for civil rights legislation are now beginning to recoil from it.

It is what they call a "flash-back" from their previous points of view. Opinions have been expressed that the legislation is being pushed too far too fast and that it is beginning to run well ahead of public opinion. Indeed, some of the arrogance and demanding attitudes of negroes are becoming evident in the community, doing despite to the very cause that Dr. Luther King and some of his associates have set out to promote. Negroes are organizing demonstrations, carrying banners, and calling out "Black power!" all over the place, which indicates that they believe now is their time to strike. In fact they are becoming just as arrogant as were some of the southern whites towards them in their heyday.

We should be prepared to be patient in developing our relationships with the Aborigines in this State, and allow a little time for betterments to take root and to become more widespread. Above all, we must allow reasonable time for people's attitudes to assimilate the new flavours and thinking and to adjust to the situation. The Minister's attitude, in his administration of these matters (while I do not dispute his good intentions), has been one of impetuous decisions of far-reaching consequences, where a little patience and wiser judgment would have been much more valuable to us. Many views are expressed on many facets of the assimilation problem and on all its ramifications; one may speak to various people (some representing the older school of thought and some the new); people who are anthropologically qualified and otherwise to express what ought to be expert views on these matters.

We find that in some matters of administration those views are as wide apart as the poles, but on one point all of these people are, in my experience, entirely agreed: that it is impossible to change the attitudes, habits and customs of people within a short space of time. We must be patient in these matters. All the qualified people whom I consulted on these matters (and I could name some of them but I do not think it is desirable) are agreed without exception on this point. It is a process that cannot be accelerated by any administrative act beyond a certain point. I emphasize that I believe the Bill is an attempt to do something by legislative action which can be done only by the process of the years passing.

In this State, we set out to do certain things and we could claim (even before the Minister took office) to have taken the lead in Australia in the administration of our Aboriginal Affairs Department. One thing which we did and which I recall with some pride is that we successfully negotiated with the then Minister of Education for the Education Department of the State to be responsible for the education of all Aboriginal children in South Australia in the same way as it is responsible for the education of every other child in the State. I believe that action had the full endorsement of the present Ministers, both of whom are in the Chamber. In itself this was the most important thing that had ever been done for the well-being of coloured people in South Australia. Whereas it is probably not possible to change the habits of the old people, who have lived under certain conditions all of their lives and are too fixed in their attitudes to change them (and would not desire to do so in many cases), for the coming generation the fact that we can and do mix children together in our schools where they play together, are taught together and learn each other's customs and habits (and the fact that there is a predominance of our own children mixing with them) means automatically that most of the problems will be overcome in the next generation. This applies over the whole

field of racial discrimination because it covers not only Aboriginal children but also the children of other people who come here and speak a different language and have different customs. Of course, the Minister can say that children of primary school level are not colour or nationally conscious, and that is true. He could say that this consciousness becomes more apparent at high school and tertiary education levels. I believe that is probably true but, if we had a little patience and waited for the effect of this united, all-embracing form of education to make its mark in the community, most of our problems would disappear and those that remained would be so small that they would rapidly be overcome by the emphasis on public opinion that would be evident throughout the community generally.

I wish that the Minister had not introduced the Bill because I believe it is unnecessary and before its time, if that time ever comes. If the Minister wanted merely to assure the United Nations that we were in line with its proposals, I do not think he had to go to the lengths of introducing this Bill to indicate that fact to them. I believe that the Administration could indicate that and that other ways of doing it are available without introducing the Bill. Also, the Bill lacks one thing in particular that it should contain. It reminds me of a huge hydraulic press, such as is used in some of the industries west of Adelaide, where a piece of metal is inserted and the press lowered down whereby a huge squasher squashes every piece of metal to a given pattern: there is no room for anything but that pattern. In my opinion that is not the way to approach a human problem.

Much meat is contained in the suggestion made by the member for Albert last evening. In those cases (and there would be few, according to the Minister himself) where possible breaches of this Bill could occur, they would be solved far better by somebody getting the parties together and asking them whether this was the way to promote peaceful relationships. Those concerned could be asked what was wrong with the man they ejected and why they had kicked him out. A person might go into a restaurant and be told by the proprietor that he would not be served. In that case what would be wrong with getting the proprietor in front of somebody and asking him why he took that attitude? It could be pointed out to him that the person he refused to serve was clean and tidy, emitted no objectionable odours, and could pay. Then the person could be asked why he did not serve that man. I think the matter would be far better resolved by an approach of that sort.

Mr. Clark: Would it be resolved just by talking to people?

The Hon. G. G. PEARSON: I think it would be much better resolved that way than by slapping a fine on the person concerned. What the Minister intends to do if a proprietor of a restaurant does not serve a certain person is to fine him. It may be that I could go to Hindley Street to an Italian restaurant and be told that I did not belong there and would therefore not be served. How would we proceed then? Would it not be much better if, in the few cases that are likely to occur, the people concerned were talked with and an attempt made to resolve their attitudes of mind? However, under the Bill it is not intended to do that. There is no human approach to a human problem; instead a legal approach is made, and that is one of the problems of having an Attorney-General and Queen's Counsel administering the Aboriginal Affairs Department.

Mr. Millhouse: That is not necessarily so.

The Hon. G. G. PEARSON: I knew that the honourable member could not avoid rising to the bait. I am not suggesting for a moment that all lawyers are inhuman or that the Minister is inhuman. All I say is that this is a legal approach to a human problem.

Mr. Clark: But they could be the same thing.

The Hon. G. G. PEARSON: No.

Mr. Clark: I cannot believe that the legal approach is never human.

The Hon. G. G. PEARSON: I am sorry if I cannot express myself to the honourable member; that is my fault, not his. The way to remedy these cases, if they do occur, is to get the parties together and to ask them to say what is wrong.

Mr. Clark: Is that going to do any good?

The Hon. G. G. PEARSON: Yes, because it is educational in its approach and is not the sort of thing which invites animosity. The Minister intends to drag an offender into court. Somebody will lodge a complaint alleging that the proprietor of an hotel, for instance, refused to serve him. Then there will be an argument in the court whether the words alleged were said or whether the refusal was absolute or conditional. Indeed, there will be plenty of arguments over whether a person was refused only because of his colour. Instead of resolving animosities they will be accentuated. If the case is proven the alleged

guilty party will be fined $200, and he will not be kindly disposed to Aborigines or Chinese.

Mr. Clark: He stops doing it, though.

The Hon. G. G. PEARSON: No, he does not. Does the honourable member think that any law not having the support of the community will have any real effect?

Mr. Shannon: It brings it into contempt.

The Hon. G. G. PEARSON: Unless it is a reasonable law it will not be observed and no pressure can make people observe it. Even if this step does stop people doing it, is it the best way? The member for Gawler was a schoolmaster and I imagine he knew how to exercise discipline.

Mr. Clark: I assure you I did.

The Hon. G. G. PEARSON: I am sure that he did what he could to persuade before getting out the stick, although I think the stick was outlawed in his time. Yet today he thinks we should use the big stick: that is not the correct approach. I intend to move an amendment later that will give effect to my desires on this aspect but will not alter the Bill. Racial relationships in this State are no problem. If they are, this is not the way to solve the problem. We need more patience, care, and consideration before taking action; we need a second look at our decisions before giving effect to them. I do not reject the Bill outright because it has some principle to which the body politic as a whole should subscribe.

I do not oppose the implementation of proper relationships between people, but I am obliged to lend tacit support to the Bill although I do not like its provisions or even its introduction. I hope the Minister will be reasonable about the foreshadowed amendment that will provide for one of the things to which I have tried to draw his attention this afternoon. I believe that we have in mind an approach to a problem that we would like to be successful. I could not adopt the Ministers' approach, but I believe we have a common object, and I hope he will not turn down my suggestion merely because it is mine.

The Hon. D. A. Dunstan: I never do that.

The Hon. G. G. PEARSON: I have confidence in having a further look at the Bill in Committee.

Mrs. STEELE (Burnside): I am happy to follow the member for Flinders, because I think he has given a reasoned comment on this fairly controversial Bill. All members have listened with much interest, because he has undoubtedly had experience and was, prior to the present Minister of Aboriginal Affairs, in charge of administering this department, and I am sure most members will agree that he did so with much skill and with benefit to the people whose welfare he has at heart. Most thinking people agree with the principles of the United Nations, and we have heard of the United Nations Draft Convention on Racial Discrimination. This Bill is unique because we have a particular State of a Federation that has given unilateral recognition to a Bill or charter of the United Nations, of which the Commonwealth of Australia is a member.

This is unusual from that point of view. Although it refers to racial discrimination and purports to discriminate against anyone by reason of the country of origin or the colour of the skin of the person, it is, I believe, knowing the Attorney-General's great interest in the welfare of Aborigines in particular, and of the Government interest in general, particularly aimed at discrimination against the Aboriginal race in South Australia. It is obvious that the Attorney-General, on behalf of the Government, has introduced the measure because it has a real concern for the Aboriginal, but in this attitude the Attorney-General and members of his party are not alone because many people, including those on this side of the House, have the interests of these people at heart. In addition, it has become a question of some public interest and wherever one goes this topic is bound to crop up. It crops up often among people who are newcomers to this country and who often claim to speak authoritatively on this matter, but who, I think, are not able to do so because they do not know the particular background of this subject or the history of Australia and its attitude towards Aborigines. In his second reading explanation the Attorney-General said:

In South Australia, fortunately, we do not have very many practices of racial discrimination. Some occur but, when compared with what happens elsewhere, they are not very serious. However, they could develop into unpleasant incidents if they were allowed to continue.

I think the member for Flinders compared the position in Australia with the position in the United States where racial discrimination has reached a very high peak and is most controversial. I believe it is possible that there are areas in South Australia where there are isolated instances of racial discrimination but, as the Attorney-General himself suggested, these would be few in number. I imagine that such areas are adjacent to reserves where there is a congregation of Aboriginal people, or in the northern towns of the State like Oodnadatta,

Marree and Leigh Creek, or places on the West Coast, or places on the trans-Australia railway line like Cook and Tarcoola.

I spent much time in the north-western part of Western Australia and the northern part of Queensland, and for many years lived on cattle stations where we had a day-to-day contact with Aboriginal people. We lived on the fringe of the Great Western Desert in Western Australia and saw many Myall people. Our station and many others in this area were responsible for the native people who lived on the station. We fed and clothed them and provided the necessary things when they went walkabout in the wet; they worked on the stations and we provided accommodation. Indeed, we tried to provide a more advanced type of accommodation than the wurlies to which they were accustomed. However, they often preferred to leave the accommodation we provided and live in shelters that they erected for themselves. In return, they worked on the stations. I know this state of affairs has changed and that in many parts of Australia (particularly in the south where people generally are not nearly well enough informed about this problem) it is felt that Aborigines were exploited, but I can say from personal experience that they were a very happy people who responded to good treatment and who gave great loyalty and were perfectly happy with the state in which they lived.

Having returned only two or three years ago, I am convinced that Aborigines who now live on town reserves and who are in receipt of social service benefits and who pick up jobs here and there were very much happier in the conditions under which they lived 25 years ago. I think the member for Flinders also referred to the different ways in which Aborigines are regarded in different places. I lived near Derby, Western Australia, which was about 150 miles north of Broome. In the latter town there was great distinction between the two races. The Aborigines were always segregated; they sat in a different part of the open-air picture show; they went to certain shops. On the other hand, they were accepted in Derby and nobody took any notice of their colour. They played sport alongside white people and entered into all the activities of the town. There one finds a difference in two nearby towns in the attitudes towards people of different races. This is fundamentally a question of human relationships. It is how one human being, despite the colour of his skin, reacts to another person of a different colour, and I do not think any law can resolve a question which, to me, has its basis in human relationships. We cannot make people like one another and we cannot make people accept one another. When we attempt to do so by law we immediately raise a barrier.

Assimilation involves great difficulties. I am not speaking about Aborigines in particular, because this Bill, generally speaking, refers to discrimination on the grounds of any race; it does not specifically refer to Aborigines. It could refer to people who came to these shores and who have been accepted and assimilated but there are difficulties in assimilating people even of European origin. They have different eating habits and different attitudes to social problems. In this respect we can take a lesson from some people of European origin who accept responsibility for their aged people which many of us fail to do. The aged are part of the family; they have a wonderful relationship with the rest of the family, especially the children who consequently develop respect for older people. We would not find an Italian or a member of any other European national group putting his aged parents into an old people's home; they stay with the family. The family is responsible for them and reveres and respects them. Some people of European origin have different ideas concerning hygiene and we tend to look down on such ideas. In my own district there are areas where Italians follow their own way of life. Some of the things they do are objectionable to us because they are different from the way in which we do them. I have no doubt at all that some of our actions are objectionable to and frowned on by many of the newcomers to our shores. These matters are all part and parcel of discrimination, because according to the *Oxford Dictionary* "discrimination" is "a difference between". That is one of the definitions given; discrimination is the difference between peoples, which we must keep in mind when speaking to this Bill. We must consider the Bill from the points of view of all races and not merely from the Aboriginal point of view, which I believe has been the trend in this debate, as well as the attitude not only perhaps of honourable members but of the general public.

I believe that we should assimilate Aborigines so that no discrimination will exist. I believe, too, that this can be achieved only by public education. We have seen evidence of this achievement in the establishment of the Good Neighbour Council in South Australia which has

done inestimable good to acquaint people coming to this country with the native Australian and, on the other hand, to establish a feeling of good neighbourliness between the Australian and the newcomer. Much of this has been effected by way of education that I believe is needed—not by laws to insist that such a thing should or should not happen. We should establish some means of informing both races of how they should adjust themselves to each other. The Bill is not in line with legislation introduced in other countries of the world, for instance, in America.

The Hon. D. A. Dunstan: Have you examined President Johnson's last Bill, which was refused by Congress? It is almost exactly in line with this.

Mrs. STEELE: No, I have not. I was going to say that most Bills that have dealt with discrimination have been introduced on a national basis, and not parochially, so to speak, as this Bill has been introduced. I previously pointed out that South Australia was a State within a Federation, and was introducing a Bill of this nature, whereas it is generally accepted that such legislation is national in its origin. I believe the power of discrimination in the Bill goes too far, because it will, if taken to its limit, discriminate against the person who, according to the Bill, accommodates or runs licensed premises, who is an owner or a licensee of places of public entertainment, and of all the other places that are named in the Bill. I think the Bill refers to shops and public places, eating houses and all the other places to which the public has access, and denies access to a person on various grounds, one of which may or may not be racial.

It seems to me that this deprives a proprietor of such a public place of his power to control the admitting of anybody who wishes to enter his premises. At present, anyone, irrespective of race or anything else, has the power as an individual to say to a person who wishes to enter a public place and who may be dirty, intoxicated, or generally undesirable, "You cannot come in. I cannot give you accommodation," or "You cannot come into this public place." For example, a person at present wishing to enter a dance hall may be debarred from so entering, because he may be objectionable to all the other people using that particular public facility. If, in addition, he happens to be coloured, who is to say whether or not he is being discriminated against because of his colour or because of the undesirable way in which he presents himself?

The Hon. D. A. Dunstan: Anybody in those circumstances would have a good defence to a prosecution. Obviously, it would not be discrimination only on the ground of colour, race or country of origin.

Mrs. STEELE: The person who is refused admission may lay a complaint against the person who refuses, and who may therefore be subject to a fine, but who is to establish that the person refused admission was so refused on the grounds of colour or race? It is a case of one person's word against another's. This, I believe, could lead to a person unjustly becoming the victim of discrimination—not the person whom this Bill seeks to protect. That, in turn, may lead to the situation where a person who owns or leases premises and who has a record of having a complaint laid against him may suffer because the person alleged to be discriminated against and refused admission may have a sympathetic following, including people of the same race, who may ostracize the owner or lessee, thus depriving him of a living by encouraging other people not to patronize his premises.

I suggest that the onus of proof is on the Crown as the result of a complaint lodged by a person who alleges discrimination but that whatever happens the person who refuses admission may be the victim of this legislation. I believe the Bill is presupposing difficulties which may arise in the future and which, if they have arisen, have to date arisen in very isolated instances in certain areas. The Bill is too premature; as I have said, it should be preceded by some form of public education for both sides—for coloured people and for Europeans. As I have said, too, the Good Neighbour Council undertakes this work in respect of New Australians, so why cannot we establish a similar organization to work in the interests of better relationships sought by the Bill?

We know that many Aboriginal families have already been assimilated into closely settled residential areas and are well received, respected and behaving as responsible citizens in a civilized community. The member for Flinders (Hon. G. G. Pearson) has said (and I concur) that it has been evident from what has happened in the case of children of New Australian families in South Australia that their children are quickly assimilated and accepted by other children in school and community activities. Children do not know any differences of race. At one school in my district at one time there were, I think, 80 per cent of New Australian children to 20 per cent of Australian children. This

occurred in an area where there was a large concentration of New Australian families. I suggest that exactly the same thing is happening in places where Aboriginal children attend schools with their white counterparts. Children do not recognize any racial barriers at all. I believe that in a couple of generations there will be no feeling of animosity towards people of a different colour or race, and that applies just as much to Aborigines as it does to newcomers to Australia. Much of this will depend on how the Aboriginal families react to the type of educational programme which, I suggest, would be in the best interests of everyone.

Racial understanding and the acceptance of the points of view of other people begin at schools. This continues at the tertiary education level today where people from other countries (under the Colombo Plan, for instance) are accepted without any discrimination at all by other students attending the universities. They are accepted into our homes and many of them are marrying Australians. Many people do not regard this type of intermarriage as anything exceptional these days. I have a friend, a member of whose family has married into the family of a university student of another country; it has been a good arrangement and the parents and other members of the family have accepted it happily.

Mr. Quirke: At Leeton and Griffith, with the second and third generations, there is no problem.

Mrs. STEELE: Yes. I believe that no law, however well presented, will solve a problem which only people, by their relationships with one another, can solve.

The Hon. B. H. Teusner: An evolutionary process.

Mrs STEELE: Yes, and that is why I believe the Bill is premature. The Minister made the point that cases of revulsion of a person of a different colour were few in South Australia. I hark back to the fact that I believe the Bill is primarily directed towards arresting discrimination against the Aboriginal race. Again, by its very introduction, it suggests that these people are second-class citizens which, I believe, does them a great disservice. The Bill undoes much of the good already done in South Australia towards the acceptance of Aborigines into the community.

In South Australia, at least, we know Aborigines have voting rights, which they have enjoyed for a long time. They are eligible for social services such as pensions, child endowment and maternity allowances, and they have been further emancipated by being given unrestricted drinking rights, although I am still not convinced that this was really in the best interests of Aborigines or of the community. I have had some experience of these people of Australian origin and have found them a loyal people who respond quickly and favourably to good treatment and to respect. Many people who have associated with them for many years in the back country of Australia know they have the respect and admiration of the white people, and *vice versa*. Having made those remarks, I once again reiterate that I believe the Bill is too premature, does more harm than good, and merely does a disservice to the original inhabitants of Australia for whom, I believe, it is specially designed. I wish it had not been introduced at this time, and that opinion is shared by many people in the community who know at first hand the problems involved in the matter and have the interests and welfare of the Aborigines at heart.

Mr. CLARK (Gawler): I support the Bill unreservedly. We have been told some peculiar things about it. I listened with much interest to the member for Burnside who said the Bill was too premature. I believe a thing is either premature or not premature. However, I had better not continue in that vein or the member for Mitcham (Mr. Millhouse) will accuse me of being pedagogic and of still having chalk dust in my eyes (I hope I never get rid of it). From what members opposite have said, I believe that anything introduced by the Minister would be premature, if it were introduced in 50 years' time. I heard with regret this afternoon the remarks of the member for Flinders in a good speech. He made a suggestion, with which I cannot agree, that because the Minister who introduced the Bill is a lawyer he is not suited to introduce humanistic legislation like this in which the importance of Aborigines is one of the main features. I cannot believe that a lawyer cannot do something humanistic, because there are just as many human, kindly lawyers as there are human, kindly members of Parliament, and possibly more.

Mr. Casey: You would not include the member for Mitcham.

Mr. CLARK: At this stage I have no intention of trailing my coat for the member for Mitcham, although I suppose before I finish my remarks I might fall from grace and do that. I am speaking on behalf of lawyers at the moment. I do not support the Bill because I am a lawyer but because I believe in human rights. The member for Burnside said

that, as a child, she knew and saw Aborigines. I had the same advantage for I was born in the same State as that in which the member for Burnside was born. I was brought up in the goldfields of Western Australia and as a boy, with my brothers and sisters, I played with Aboriginal boys and girls and got to know them well. I never noticed any discrimination. We played together with them, and regarded them as being the same as we were, only slightly better.

I will not attempt to define "discrimination", as it appears in the Bill. The member for Burnside had something to say about it and I am quite certain, on his previous form, that the member for Stirling (Mr. McAnaney) already has a definition of "discrimination" from the best dictionary available in Parliament House. I hope my remarks will not stop him from giving that definition, because his definitions are always worth having. Recently I visited New Zealand for a month and I forcibly realized that there is not the slightest discrimination between Maoris and white people. The white people would violently disagree with anyone who attempted to discriminate between those peoples, and would do so if derogatory remarks were made about the Maoris. In that country discrimination has been stopped because of the violent feelings against it. I thought that attitude applied in this State, but after hearing remarks last evening I am beginning to doubt it. The aims and objects of this Bill are so evident that it would be impossible for anyone not to support it. Yet speakers last night raised a peculiar argument that although they did not disagree with the principle of the Bill they opposed the Bill. That is hard to understand, but no doubt future speakers will try to show me the error of my ways. To me, the speeches last evening were not fair.

The Hon. D. N. Brookman: The first speaker supported it last evening.

Mr. CLARK: I felt sorry for the honourable member because he had strong ideas about this but, unfortunately, was put in the position of a chopping block until his colleague came in. The colleague he waited for said less although he spoke for a longer time. The claim was made that the Bill had been sprung on the Opposition, but the Attorney-General gave his second reading explanation on July 14, three months ago. Last night's speeches were silly and certainly not intelligent, and honourable members who spoke did not seem to realize what the Bill was about. The Attorney-General's second reading explanation was a model speech: nothing idealistic about it, but it was factual. This is not a pipedream of the Attorney-General, but a Bill that is heartily supported by all Government members, not because it was introduced by our Minister but because we sincerely believe that what is contained in it is the right approach to this problem. Unfortunately, in these matters we listened to an anti-Dunstan trend that sometimes creeps into some members' speeches: not into everyone's but into some, and this could well be forgotten in this place.

Mr. Hughes: It is only jealousy.

Mr. CLARK: It is important in this issue to understand what lies behind the motive for this legislation. It arose as a direct result of resolutions adopted by the General Assembly of the United Nations at the International Convention on the elimination of all forms of racial discrimination, held on January 19 this year. This convention adopted for signature and ratification the resolution of the International Convention on the elimination of all forms of racial discrimination annexed to the present resolution. It is well for members to know the exact basis of this legislation, legislation which because the Commonwealth had not ratified it, it requested the States that it would be well for them to do so, and this is the first State to do that. The annex to the resolution states:

The States parties to this convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion;

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin;

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination;

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of December 14, 1960 (General Assembly resolution 1514 (XV)) has affirmed

and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end;

Considering that the United Nations Declaration on the Elimination of all forms of racial discrimination of November 20, 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person;

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, normally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere;

The following points apply to the legislation before us. The annex continues:

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State.

I have read enough to show members the trend behind this legislation. This document is readily available to members and they should read it to appreciate the contents of this legislation. The first part of article 1 is as follows:

In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

That is what we are trying to do in this legislation. There are a dozen articles; the document is very lengthy and interesting and not idealistic. I suppose, to some people, it is idealistic, but I use "idealistic" in the sense that it is reasonable, not in the sense that it is something a long way above us and beyond the possibility of action. It is the right sort of idealism. In article 5 we read:

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights.

The article then goes on to list a great number of rights that are desirable and just for everybody. I shall read the last few because they particularly apply to what is being done in this legislation:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration.
(ii) The right to form and join trade unions.
(iii) The right to housing.
(iv) The right to public health, medical care, social security, and social services.
(v) The right to education and training.
(vi) The right to equal participation in cultural activities.

(*f*) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

I have gone into detail because I believe members should realize the basis and the impelling force behind the introduction of this legislation. What we are seeking to do (and I think the Attorney-General made it very plain) is to make it clear that the South Australian Government believes, first, that the whole of the United Nations draft convention on racial discrimination should be ratified by the Commonwealth of Australia. Secondly, regarding the provisions of the Convention, each State should make legislative provision to prohibit the practice of racial discrimination, and this legislation does exactly that.

I believe the tone of the debate has been slightly better this afternoon. I have been wondering why members did not go to the trouble of considering what brought about this legislation and why they did not study the resolutions of the United Nations. It is a pity they did not, because it would have made their speeches more reasonable and sensible. I am sure this is a matter on which the member for Light would have liked to speak, but he will have to wait for the Committee stages. The member for Albert usually makes a careful study of matters like this but he did not do so in this case and I cannot agree with some of his remarks. I cannot understand what he meant when he was regretting the omission of conciliation. This was also suggested by the member for Flinders. Apparently the member for Albert wants people to be cautioned before they are charged with anything; I do not know how many times they have to be cautioned or whether a caution is necessary for a severe offence or a light offence.

The Hon. D. A. Dunstan: He did not believe that any action should be taken except on a proved course of action.

Mr. CLARK: With regard to laws made here, I think this cautionary principle would be a very new one. I am not a lawyer but

I cannot think of legislation in which there is a cautionary clause: there may be the right to caution by the courts but that is very different. It appears that the member wanted a cautionary clause giving a right to caution a man, but I do not know how many times. He made two statements that I find difficult to understand. First, he said, "What is the use of a Bill that is not going to restrain people or conciliate them—that is not going to do anything other than catch isolated cases." I do not think that is right and I doubt very much that the member for Albert believes it. Secondly, he said, "All we need to do is to hold the gun at a person's head and say, 'Don't you refuse.'" Surely there are many Acts that do this—that really hold a gun at a person's head, and if he does the things he is not supposed to do, he should know the law and he has earned the penalty. I believe the holding of a gun at someone's head is often very necessary. I think the honourable member neglected his homework. What I really cannot understand is how he could conclude his speech by saying he supported the principle and yet he opposed the Bill. Surely, if we support the principle we carry the second reading and do our best to amend the Bill in Committee. Surely, if a person supports the principle of a measure, he does not oppose it merely because it contains certain things that he does not favour. The member for Rocky River (Mr. Heaslip), opposing the Bill, said:

Originally no problem existed in America, but it exists now.

I shall tell the honourable member why it did not exist in America originally: the people who are discriminated against in that country were originally slaves; nobody cared whether he discriminated against those people, or not. The honourable member continued:

In Great Britain, unfortunately, there is a real problem now.

Apparently, that problem did not exist originally, possibly for a similar reason to the one applying to America. He added:

We do not want the same thing to happen in Australia.

We certainly do not, and that is exactly why this legislation is introduced.

Mr. Hughes: It has been happening.

Mr. CLARK: It has happened perhaps on a small scale, but I am certain that nobody in this country wishes to see the results of vicious discrimination that leads to even more vicious actions by both sides. I have been wondering whether the member for Rocky River, in opposing the Bill, supports discrimination. Although I do not think he does support it, it leads me to think that if he does not support discrimination he at least condones it. However, I hesitate to believe that, too. Nevertheless, the honourable member gave that impression; he was difficult to follow. Indeed, if I may say so without being unkind to him, I have found him increasingly difficult to follow this session.

Mr. Nankivell: He's not the only one!

Mr. CLARK: In reply to that interjection, let me say that I think most members found the member for Albert exhaustingly difficult to follow last evening. However, perhaps all of us may be accused of that at times; perhaps I am guilty right now.

Mr. Hudson: He was making up for his decision on the Aboriginal Lands Trust Bill.

Mr. CLARK: Those who spoke to the Bill last night revealed that they did not know much about it.

Mr. Nankivell: Do you?

Mr. CLARK: Their homework just was not done or, if it was done, it was incomplete. I always listen with interest to the member for Flinders (Hon. G. G. Pearson), although I may not always agree with him, because I know that he usually gives much time and thought to what he intends to say. I know, too, from private conversations I have had with him, that he is interested in this matter, having made a study of it. I cannot agree with some of his conclusions, however, because I think they have been strongly exaggerated. He suggested that at one stroke of the pen, because of this particular Bill, some people will consider that they have been elevated from a position of inferiority to one of superiority, but I point out that it would take much more than that to bring about this elevation in respect of some of the people to whom the Bill refers. I was interested in the honourable member's interjection to the effect that, as a teacher, I would have gone out of my way to maintain discipline. I admit that, because nobody can manage to teach successfully unless the children under his control are paying attention. Ways of maintaining discipline vary according to the different students.

I am reminded of an occurrence when, as a young teacher at a little school in the mallee in the district now represented (and very well represented, too,) by the Minister of Agriculture, I was playing cricket (being young enough then to do so) with the children. I had left 5s. (made up of two florins and a 1s. piece) under a glass on a table, but the money

had disappeared when I returned. Having lined up the little school of 20 children, I told them what exactly had happened and that I deplored the habit of stealing. I asked the children to run back to the table one at a time, so that, if they saw the error in their ways, they might put the money back under the glass. After trying this out, we found that the 1s. piece had been returned but the two florins were still missing. I then walked along the aisle, grabbed the suspect and smacked him across the buttocks a couple of times, with the result that he returned the two florins.

Mr. Nankivell: Did you have permission?

Mr. CLARK: A different approach must be adopted for different schoolchildren, and a different approach is required for adults. I do not think that any person charged with discrimination under the Bill will ever be converted; it will be futile to bring such a person along to a conference and say to him, as the member for Flinders has suggested, "Why don't you serve this man? He's a decent sort of fellow." That person will not serve the customer concerned because he does not like his colour, and all the talking in the world will not convert him. Although I do not think that many such people exist, there are more than enough to justify this legislation. The member for Flinders, in delivering a thoughtful speech, did not insult our intelligence by saying that he supported the principle but would oppose the Bill. He indicated that he would seek to move amendments; indeed, all honourable members know that, if they have a convincing case in respect of which they wish to move an amendment, the Attorney-General will be only too pleased to listen to the case.

Although I am not saying he will support such amendments, a good chance exists that he will. It has been suggested that we have practically no discrimination in South Australia but, if that is the case, I think it is all the more reason to implement this legislation, by nipping the matter in the bud and preventing as much discrimination as we can. I suggest that in countries where discrimination has become a major problem (and I do not have to mention those countries now) much of the trouble could have been avoided if early action had been taken, similar to the action that we are adopting today. That is what we are attempting to do in the Bill, and we hope it will be a success.

Mr. Hughes: Which members said they supported the principle but not the Bill?

Mr. CLARK: I do not think it was the member for Light—he did not speak for long enough. I think he supported the Bill, but the other two Opposition members who spoke last evening supported the principle but not the Bill.

Mr. Rodda: They were good speeches.

Mr. CLARK: I am sorry to hear the member for Victoria say that; I think he is only being loyal to his colleagues. I can appreciate loyalty at times but I suggest to him that in this case his loyalty is misguided, as he will realize when he thinks about it. It should be made clear for everybody to understand that the Bill is not designed to protect only the Aboriginal population. I interjected when the member for Flinders was speaking to tell him that the Minister specifically referred to other matters than the Aboriginal population. Because the Minister put it so succinctly, I shall read the following remarks he made:

> The Bill does not differentiate between Aboriginal people and other minorities that have discernibly different characteristics of country of origin, colour of skin, or race. We believe this should refer not merely to the Aboriginal population in South Australia but to all people who may have discernibly different characteristics of this kind.

I commend those thoughts and sentiments to the House, because I believe that in those sentences the principle behind the Bill is summed up. I ask honourable members not to oppose the Bill because they cannot completely agree with all it contains. They should allow it to pass the second reading stage and, if they have deserving amendments, they know as well as I do that those amendments will be carefully considered. I strongly support the Bill and I hope that, with its early passing, this State will, at any rate, prevent some of the chaos and destruction that has occurred in other countries and some of the practices and incidents arising from discrimination that I know would be abhorrent to all of us.

The Hon. B. H. Teusner: The honourable member said he was in New Zealand for some time. Has that country any legislation of this type?

Mr. CLARK: The form of legislation they have in New Zealand has proved effective indeed. It is legislation not on the Statute Book, although much protective legislation has been passed. The member for Albert laughed when I said it was legislation not on the Statute Book, but what I said was what I meant. What they have is a good form of legislation because it is in the minds of the people in New Zealand and they actively discourage any insulting reference to the Maoris.

I was informed that this practice had been going on for many years. It gave me much pleasure to see how well the Maoris and white population got on together in New Zealand. One person over there told me that he thought that within 50 years, and certainly within 100 years, there would probably be no more of Maoris and white men in New Zealand, but one people. Much intermarriage is taking place and there is no feeling of inferiority amongst the Maoris. Of course, this could be because the Maoris are a superior race. Legislation such as this, because of the type of people the Maoris are, has not proved necessary in New Zealand to my knowledge.

Mr. QUIRKE (Burra): At the outset, I want to say that the Bill, as it is now, will not pass with my vote. If certain features are introduced into it, which I shall not enumerate now, then it could be rendered a little less objectionable than it is at present. The member for Gawler referred to the word "premature" and said there was no such thing as "too premature"; he said a thing was either premature or not premature. However, I believe this Bill is too premature. It provides that refusals shall not be made by reason only of a person's race, country of origin, or the colour of his skin. That applies to every race under the white canopy of heaven, from white to jet black and including all the colours of the spectrum in between. This is the major difference: of all the races in the world probably among the primitives are our own Aborigines. I do not speak detrimentally of them; they had no chance. Their chances were lost in the dim mists of antiquity or in what they refer to as "dream time", which goes back into infinity for them.

Their origin must go back far indeed. From my reading on the subject, I believe the nearest race to them is the Aboriginal race of Japan, which has similar characteristics. It could be that this race migrated to Australia many thousands of years ago, was then completely isolated and did not progress as other races progressed which were constantly in contact, one with another. If this Aboriginal race came to Australia, it must have come down through country where the native races today are far more advanced than our own Aborigines. I am not speaking derogatorily of them because they are a fine people indeed. In fact, the reason why I do not want the Bill to pass in its present form is that I do not want them to be hurt: I believe the Bill could do them more harm than good. The other people involved in the Bill can look after themselves; I do not think the provisions of the Bill would be much used in relation to people other than Aborigines. If an Aboriginal was admitted to a restaurant, sat down at the table with other people, whereupon the other people at once got up and left him and went to another table, that would inflict a grievous hurt on that man or woman, but there is nothing whatever in the Bill to stop that. Under the Bill, who lays the charge? It is the aggrieved person—our own native Australian—who lays the charge. Whom does he charge? Who are the witnesses, if any? This legislation is too early and too soon. The people I am discussing have gradually, because of abuse and misuse by us, gone back into their shell and have lost the inherent dignity of their race because of contact with us, and we have to lift them up. We have not progressed enough for this legislation to protect them when they come to the city or elsewhere. I should like to see a programme of education, which would be difficult, but we cannot force them into schools, because they are a nomadic race. They should be gradually educated. It is no use comparing them with the Maori in New Zealand: they are an entirely different people with a different ethnic origin, who came from a more advanced people: they are Polynesians. New Zealand has done what we have not done, and ensured that every Maori child has had the opportunity to be educated.

The Hon. D. A. Dunstan: They were given land rights, too.

Mr. QUIRKE: I don't care what they were given. New Zealand has not done the things that we have done.

The Hon. D. A. Dunstan: And you are still trying to prevent us from doing them.

Mr. QUIRKE: You can't do yet with these people what has been accomplished with the Maori people: they are not ready for it.

Mr. McKee: Why aren't they?

Mr. QUIRKE: No-one knows that better than the member for Port Pirie.

Mr. McKee: Why don't you explain it.

Mr. QUIRKE: I am not going to.

Mr. McKee: The way you are going on they will never be educated.

Mr. QUIRKE: Yes, they will if we adopt the attitude that was adopted in New Zealand. We have to take them out of their present conditions and fit them to enter our way of life.

Mr. McKee: This is a step towards that.

Mr. QUIRKE: It is not. This is likely to put them back rather than lift them up. The first thing to happen will be that these people will take advantage of it, present themselves

at these places and request admission. If a person is in a disreputable condition the proprietor can refuse him admission, but he cannot refuse him because of his country of origin or his colour. They would not want to do that, in the main.

The Hon. D. A. Dunstan: Oh yes they do.

Mr. QUIRKE: The Housing Trust has built houses for these people in country towns.

Mr. Coumbe: They are in the city, too.

Mr. QUIRKE: I am speaking about the country where I have had contact with them. There is no discrimination against these people in these country towns where their kiddies go to school. However, they have been carefully prepared for this position. The nomad from Musgrave Park is not put into a house at Clare: he would not be happy there. People who can accommodate themselves to these conditions and who have achieved them can safely be placed in these houses, and they are received and respected by the community. They work and play with other people and are usually extremely valuable members of football and cricket teams. This is what happens after they have been taught to fit into the existing conditions of the life in country towns and in the city. To place these people in that position without the proper attention and training is wrong. If an Aboriginal goes to a place and is rebuffed, resentment is bred in him and harm done to him. They are gentle and sensitive people and can be easily rebuffed. They have the idea that we think they are inferior, and it is this inferiority complex that causes them to behave as they do.

Mr. Hughes: They don't trust the white man.

Mr. QUIRKE: They have good reason not to trust him, but we have to recover that trust. I am not defending what happened in the past, because I know how bad the treatment has been sometimes. But people are not the same and some people have treated Aboriginal employees well and continue to do so. It is the bad actions that have condemned us, and we have to restore these people's confidence in us. When we get that they can be brought into the country towns and into the city, placed in houses, and their children sent to school to learn trades. Then, we can say that we cannot discriminate against them because of their colour. There is no point in being sickly sentimental about this. People who have associated with Aboriginals know that in many cases they do not want an Aboriginal alongside them, and that is not their fault. However, we can train them out of that. Having trained them (as hundreds have been trained) an anti-discriminatory law can then be brought into operation. There would be no discrimination against Aborigines who lived in Clare; they could walk into any hotel and they would not be refused a meal, because they have been educated towards such a situation. I would not care how much it cost if it were a question of giving justice to the people we have grievously offended in the past; we ought to do that.

The Hon. D. A. Dunstan: Your Leader has been criticizing the extra amount we spend on them. He said we were spending money on them like a drunken sailor.

Mr. QUIRKE: I am speaking now. Did I say that?

The Hon. D. A. Dunstan: You supported your Leader when he spoke on it.

Mr. QUIRKE: I do not know that the money has been spent on the Aborigines, nor do I know that it has been well spent. I would not care if you spent twice as much, provided you spend it wisely. It is no good building a school and saying, "You shall attend."

The Hon. D. A. Dunstan: That is nonsense, too. The highest attendance in the State at any school is at Yalata, a tribal mission.

Mr. QUIRKE: That is a tribal mission. The Attorney-General knows that in most cases the parents say whether the children will attend school, and the parents can take the children away. The authorities must continue to chase them up and gradually bring them in. We must lift these people out of their despondency and it cannot be done in one year or five years: we might do it in a couple of generations. It will be a slow process, and the slower it is (provided it is consistently applied) the more effective it will be. What I do not like in this measure is that any one of these people can lay a charge against a man and say, "I was refused on the grounds of my colour." How can he prove that? Assuming it was correct, will the person so charged admit it? What is the use of passing such a measure? Is it only to have something on the Statute Book that looks pretty? A law that we cannot enforce is worth nothing. How can we obtain a conviction against anyone unless there are multiple witnesses? However, I want to make it clear that there is nobody here who has a higher regard for the Aborigines than I. I sincerely hope and trust that eventually, and before long, we shall have these people occupying a respected place in country communities and in the metropolitan area.

Mr. Hughes: You are the only one who has stuck to the intention of the Bill. I commend you for that.

Mr. QUIRKE: Thanks very much. If I have not made my ideas clear on this matter I will try to clarify them later.

Mr. McANANEY (Stirling): Undoubtedly, no-one favours discrimination against anyone. However, I feel this Bill is hardly necessary at this stage. The Attorney-General admitted that in his second reading explanation. The member for Gawler said that in New Zealand it was not set out in legislation but it was a state of mind, and I believe that the average South Australian person thinks that there should not be discrimination. How will the situations arise? I think a group of Aboriginal leaders or a sect will go along with the deliberate intention of creating a situation and something will be stirred up that was not there before. For that reason, I do not really see the need for this Bill. However, I shall vote in favour of the second reading, because I cannot vote against a measure that provides that there shall be no discrimination, despite the fact that circumstances to justify the legislation seem to be non-existent at present. Any particular case of discrimination will involve a matter of opinion as to whether a person was, in fact, discriminated against; it will not involve the usual clear-cut crime, in respect of which a specific charge may be laid down. I suggest that we should establish an intermediate stage at which an intent to discriminate could be determined. I agree with the member for Burra (Mr. Quirke) that our task should be to educate people to the stage at which no need would exist to prevent their enjoyment of the benefits that most of us at present enjoy.

All people are born equal, although some are born without any ability or chances to get on, whilst others are born without an incentive to assist their fellow men. We should all have equal opportunities initially, however. Many of us tend to discriminate against a person who may bath infrequently, but, unless we educate the various sections of the community to a certain standard, the difficulty may arise as to whether such a person should be discriminated against, or not. A man employed in a particularly dirty job will often desire to enter a hotel at which he may be staying, in order to shower and change. Naturally, he must be permitted to enter that hotel, but what happens in the case of a man who has not washed for a fortnight? A licensee might be acting perfectly legitimately if he refused to admit that person. This illustrates the difficulty in determining when an offence under the Bill is actually created. I have to support the Bill because I do not believe in discrimination, but I foresee immense difficulties in making decisions in this matter that I hope will be resolved in Committee.

Mr. HALL (Leader of the Opposition): Apparently a difficulty has arisen in regard to the title of this Bill, which states that the Biil seeks to prohibit an act to discriminate against a person because of his colour, race, etc. That seems to be the reason why the Bill should be acclaimed, regardless of its provisions. However, if that is so, we may say that, because the Labor Party is so called, anybody who labours in this State should vote for that Party. We know indeed that that is not the case.

Mr. Langley: We do not expect a 100 per cent vote.

The Hon. D. A. Dunstan: Most of them do.

Mr. HALL: The Attorney-General is quite wrong about Commonwealth elections, for he should know, if he analyses the figures, that many people in employment in Australia vote for the Commonwealth Liberal and Country Party. I do not believe the Attorney General wishes to follow everything undertaken in the United Nations. Obviously, the founding of the United Nations is—

Mr. Lawn: Worth while!

Mr. HALL: —sound. However, we are apparently to tell the Commonwealth Government the course it should follow. Although the Attorney-General said that little discrimination existed in this State, I agree with other members who have said that, by focusing attention on discrimination in passing this legislation, we are drawing attention to something which hardly exists at present but which will develop by promoting this legislation. The Attorney-General said in his second reading explanation:

> If this measure had not been proposed we might have seen in South Australia some of the direct action that has been taken in other States, because those States did not see fit to enact legislation of this kind.

The Attorney-General has been involved in direct action; he was directly involved with Aborigines who waited on members of Parliament.

The Hon. D. A. Dunstan: They came here to interview members of Parliament.

Mr. HALL: The Attorney-General was reported in the press as addressing these people; he was directly involved in the matter, so it is rather strange that he should now introduce legislation through which it is hoped to

prevent that type of thing. We are to see the prevention of the type of action that the Attorney-General has himself promoted. That is very strange.

The Hon. D. A. Dunstan: Very strange indeed!

Mr. HALL: The public is not enamoured of this measure.

The Hon. D. A. Dunstan: I shall tell those direct actionists who come to see me at home that you do not approve.

Mr. HALL: I do not say I do not approve; I am saying it is a peculiar situation to be speaking about preventing direct action.

The Hon. D. A. Dunstan: All I can say is that your remarks are very peculiar, indeed.

Mr. HALL: The Attorney-General would obviously think so in his position in regard to the matter. I believe that the Bill goes too far in one or two instances; I dislike the definition of a boarding house that simply specifies that a house in which any person boards more than three people shall come under this legislation. When attending secondary school, I boarded with three others at the private house of a widow, who made a living by boarding students and workers in the town. It is not right to tell such a person whom she shall take into her private house. If, say, a widow takes in four boarders, her house is apparently to become a public boarding place. It is ridiculous to say how she should conduct her house and perhaps members of her own family. It is absolute nonsense to put on to the Statute Book control of people in this category. If the Minister wished to refer to a lodging house, although I am not a lawyer perhaps some different interpretation could be placed on that. We have heard much about widows in this place recently when we have been discussing other Bills.

The Hon. D. N. Brookman: They exempt widows in Great Britain.

Mr. HALL: They are certainly not exempted in this Bill. This provision is an affront to the person to whom I have referred. Much of this Bill is a reproach on the community at large, a community which the Minister has said does not practise discrimination. However, it will be subject to this Bill. This afternoon the member for Gawler said there was no problem in New Zealand where they did not have legislation of this type. Why should we have this legislation? What instances of discrimination has the Minister brought forward?

Mr. Langley: What about South Africa and the West Indies?

Mr. HALL: The honourable member is well versed in sports. We will cheer when he says something useful.

Mr. Langley: I don't mind a bit of backlash. I speak only when I have something to say.

Mr. HALL: That is a reflection on the member for Unley because he never speaks.

Mr. Langley: I have spoken, and you know it.

Mr. HALL: I do not know whether the provisions of clause 7 (2) are retrospective, and apply to things that have taken place in the past. If they are, I do not like this clause. As I have said, I deplore the provision relating to people who take in a few boarders. If it is thought that the Bill will apply mainly to Aborigines then I believe that is a great mistake. I represent several areas where the migrant influence is strong. Many of these people take offence quickly indeed at what they consider to be discrimination. Only in the last few weeks I have been involved in satisfying an angry inquiry made by several people about what they considered to be discrimination against English migrants. If the Bill is passed in its present form, it will be used in relation to many people other than Aborigines.

Mr. Clark: Nobody would object to that.

Mr. HALL: The complaint to which I referred was completely unfounded although I do not blame the people making it because, on the surface, they had a complaint. I do not want to go into details because I do not want to involve the person against whom the complaint was made, for he was not guilty. Should people be subjected to interrogation when they are not guilty? Is that the sort of law the member for Gawler wants? In the case to which I referred the person carries on a business in this State to the best of his ability and employs many migrants. Under the Bill, he could be subject to some public accusation and scandal because the Minister sees fit to introduce this legislation to cure ills which the Minister admits do not exist. There is a danger that the provisions of the Bill will be exercised hastily by people who are sensitive in their first years in this country. Sometimes these complaints are reasonable but on other occasions people are unjustified in taking offence. I support the second reading because of the principle in the Bill. After all, who does not oppose discrimination? However, the Bill will have to be improved in Committee.

Mr. MILLHOUSE (Mitcham): I could not possibly oppose the principle behind the Bill. I hope and believe that I have never practised any form of discrimination, and I hope that I never will.

Mr. Hudson: You discriminate against us.

Mr. MILLHOUSE: I did not hear that pearl dropped by the honourable member.

The DEPUTY SPEAKER: The honourable member is not obliged by Standing Orders to listen to what pearl is dropped.

Mr. MILLHOUSE: Or even pennies, if it comes to that. As I said, I could not possibly oppose the principle behind the Bill. When I was interrupted by that inaudible gem from the member for Glenelg, I was going to say that if ever I had had any inclination to feel that discrimination was necessary the time I spent at St. Mark's College in the University of Adelaide, an experience I shared in common with the Minister, would have cured me.

Mr. Hudson: The Minister is blushing.

Mr. MILLHOUSE: I did not mean what I said to convey that I found it hard to put up with the Minister while I was there.

Mr. Rodda: That would have been an education in itself.

Mr. MILLHOUSE: Yes, it was. However, for most of the time I was in the college about one-third of my fellow collegians were students predominantly from Asian countries. If one ever had feelings of superiority about people of other races, they were entirely dispelled by the experience of being in a college with these people, because when one is in that position one realizes that they are exactly the same in every way as one is oneself.

That was a valuable experience I had but I think it is true of most Australians to say that they have no feeling of superiority nor do they have any feelings of discrimination against people of other races or creeds. I am bound to say that I think this is mainly because we do not really have this problem in Australia, and here it is that theory and practice tend to diverge. I have found all over the world that, where there is no real problem, there you find the greatest condemnation of those who live with the problem and do not always act as one would like them to act. If we had a real problem of discrimination in this country we would find that we are no better and no worse than people in other countries. However, I am glad to say that we do not have any real problem in this country at present.

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

Mr. MILLHOUSE: Before dinner I dealt with several preliminary points and mentioned the experience I had had with sharing accommodation facilities, not only with the Attorney-General but with several oversea students at St. Mark's College. Having made the point that we in Australia really have never experienced any unrest or unhappiness in the community on any large scale because of racial discrimination, I said that for that reason Australians almost universally condemn anything they regard as racial discrimination. This was summed up well by the Australian representatives in the discussion at the United Nations on the United Nations declaration on the elimination of all forms of racial discrimination. Mr. Gilchrist, who spoke on October 1, 1963, and Mr. Hay, who spoke on November 20, obviously used the same notes, because the same sentence appears in both speeches, but it is worth reproducing again. It is as follows:

> Let there be no doubt in this committee or anywhere else about Australian sentiment. We regard racial intolerance as an ordinary disease of the human personality and it is the duty of all of us to work for its elimination.

Every honourable member and most Australians would entirely agree with that. Because there is so little racial discrimination in Australia we easily condemn the attitudes of other people who live in communities where it exists. I have never forgotten my experience when travelling through the southern United States, where I came in contact with this problem seriously for the first time. Having seen it and having lived with it for a little time I would never again presume to give answers to any of the problems that arise in a community where people of different races live side by side. This is not something that can be solved by the process of the intellect: it is not a rational matter at all. It is a matter of emotion, and one must see it at first hand to appreciate how dreadful it can be. I did not, as, I am afraid, the Attorney-General does tend today, presume to have any of the answers to the problems, even those which have arisen in our community. So far, I suppose we are on pretty common ground. I could not possibly oppose the principle behind this Bill and, therefore, I shall vote for its second reading, but I am afraid that I then part company with the Attorney-General and Government members, because I regret that this Bill has been introduced.

I do not believe for one moment that we can make people good by legislation. We cannot prevent discrimination or the attitude of

mind that lies behind it by an Act of Parliament: this is simply not an area in which legislation can be effective. I think that is obvious from the reasons I have given from my observations on this matter, but I have another reason for regretting that this Bill has been introduced. In our State there is no specific evil of racial discrimination to be remedied, and it is impossible in an Act of Parliament to remedy something if we do not know what is wrong. Because there is nothing specifically wrong in our community and no specific evil it is impossible to do any good by an Act of Parliament. Other speakers have said that this measure is not only to deal with any problems that may arise out of the position of Aborigines in South Australia. True, it is drawn widely but, nevertheless, we cannot think of this Bill or consider it at all without immediately linking it with the position of the Aboriginal inhabitants of Australia.

Of course, that is the only possible practical problem of this nature that we face in this country. I am afraid that the passing of this Bill is far more likely to draw attention to the problems than to do anything to prevent them or to overcome them. Therefore, I support the second reading of the Bill with grave reservations. I make one exception to my reserved support for the Bill, and that is for clause 8. If there is any specific evil to be overcome it is dealt with in clause 8, which prohibits restrictive covenants in contracts for sale and purchase and in leases. I do not know of any example of this having occurred in this State, but it is something that is wide-spread in the United States of America and, I understand, in other countries as well, and it is a curse. It has become so deeply rooted in those communities where it has been imported, that it is virtually impossible to get rid of it. Not only is there the prejudice that arises from the difference in colour but the question of land values is bound up with it, and this is a difficult problem to solve.

We are entirely correct in preventing it even beginning in this State and, therefore, if I needed any justification, apart from the reason I have given, to support the second reading of the Bill, it would be clause 8. This is a good idea, and I pray to God that we never have these problems here and that it is never necessary to invoke this clause. If we prevent the evil before it begins we, as a community, will be far better off. The principle behind clause 8 has my strong support. Whether or not it is drawn sufficiently widely and strongly to prevent the ploys that can be used to try to overcome it I do not know, and only experience will tell.

The Hon. D. A. Dunstan: I did my best.

Mr. MILLHOUSE: I am afraid my remarks still stand, Mr. Attorney.

The Hon. D. A. Dunstan: If the honourable member can help me I shall be grateful for his assistance.

Mr. MILLHOUSE: I am jolly glad to hear that, and I will look more closely at the clause than I have. I support the idea behind it and I am glad that it was included, even as an afterthought, in the Bill.

The Hon. D. A. Dunstan: It was included after Dr. Pittock had made a series of representations to the Government on the failure to provide for it in the original Bill.

Mr. MILLHOUSE: I am glad it was included, because I think it will be sufficient, although I hope that it will never be necessary to use it. I am critical of one or two other things in the Bill. First, I have a query. I notice that the words used in each of the relevant clauses are that there must be no discrimination by reason only of the person's race or country of origin or the colour of his skin. Those words are repeated in each of the clauses, and there is a significant difference between them and the words used in the United Nations declaration, which are, "race, colour or ethnic origin." Of course, that is only a fairly pious declaration.

The Hon. D. A. Dunstan: How do you define ethnic origin?

Mr. MILLHOUSE: I was going to say that that was difficult. I am not sure what it means but, like most of the drafting of the United Nations, it sounds good even though it may not mean much, and that is a habit of mind sometimes hard to get rid of. Perhaps of even more significance is the difference between our Bill and the Race Relations Act of the United Kingdom. The words used in that Act are "on the grounds of colour, race or ethnic or national origin." That is nearer to the wording in the United Nations declaration than is the wording of our provisions.

Mr. Nankivell: The Jews got in that way. They considered themselves to be covered by that definition.

Mr. MILLHOUSE: I do not want to refer to any specific national group but I point out that there is a slight difference between our wording and that used elsewhere. I do not know why the words "of his skin" are used in the term "colour of his skin". This seems to

me, considering the matter not professionally but as a layman, to be rather restrictive. I think that the word "colour", when left unqualified, probably has a wider connotation than the phrase "colour of his skin".

The Hon. D. A. Dunstan: Where else has a person got colour?

Mr. MILLHOUSE: The eyes, the teeth and the clothing have colour.

Mr. Coumbe: What if he is sunburnt?

Mr. MILLHOUSE: I was going to raise that matter. We like to regard ourselves as being white, but we are not. We are red, or pink (and I am looking at members opposite now) in varying hues. If one took this literally, one could object to a person who was suffering from an extreme case of sunburn. That seems to me to be not quite right. On the other hand, a person could have some revolting birthmark that could be covered by this description. I suppose this does not amount to much but I wonder why the learned Attorney has used the phrase.

The Hon. D. A. Dunstan: Normally, one refers to pigmentation, because that is the discernable difference.

Mr. MILLHOUSE: Yes, pigmentation is the discernable difference, but why not use the word "colour" only? Likewise, I do not know why the Attorney has specified that the penalty in all cases shall not exceed $200. After all, the provision of a penalty of $200 would have meant exactly the same thing.

The Hon. D. A. Dunstan: On almost every occasion when we include such a provision, we get questions from the Opposition as to what the words mean. It was considered that this was a reasonable way of explaining to people what was meant.

Mr. MILLHOUSE: I do not think that consideration holds water. The Attorney knows as well as I do that a penalty provided for in a Bill is a maximum penalty, anyway, and that the additional words are mere surplusage and need not have been inserted. However, perhaps these are carping criticisms. My substantial objection to the way in which the Bill has been drawn is that it appeals immediately to the law for any remedy of a breach. I think that is unwise in the extreme. I know that the Bill has not been drawn on the same model as the Race Relations Act of Great Britain, but I notice (and I think this is of some significance) that that Act does set up a Race Relations Board and conciliation committees. It seems to me that we should not immediately go to law on these matters. It is far better to try at least in the first instance, to conciliate, to work the matter out, and to get a solution away from the courts and the atmosphere that someone is right and someone is wrong and is going to be punished.

I think we would be far better served if we provided for a step between the commission of the offence and the prosecution in court. I think we would do better to have some provision along the lines of the English provision, under which a committee can look at matters in a detached light and more calmly, because the persons examining the matters would not be personally involved. These people could try to talk sense, if one likes to use that term, to those involved in the incidents out of which any trouble must have arisen in an attempt to overcome the difficulty before there is a recourse to law.

Mr. Nankivell: That would not prevent legal action being taken.

Mr. MILLHOUSE: No. My suggestion would be to set up a committee of, say, three people. As I have said, we cannot escape thinking of the position of the Aboriginal inhabitants of this State when we think of this Bill. Perhaps someone from the Aboriginal Affairs Board or from the department, anyway, who was familiar with that group of people should be on that committee, as should someone familiar with the problems of other migrants, migrants of European stock in this country and, maybe, one other person. I suggest that such a committee would first consider whether there was a proper case for prosecution and whether there was any way around the problem apart from prosecution.

I do not want to say any more. I do not want to offend yet again against Standing Orders. I do not want to trespass upon the proposal that I think the member for Flinders (Hon. G. G. Pearson) is putting forward. I consider it important that, if we are to have this legislation at all (although I regret that we should have it), we should do our best to make it work in the best possible way. I do not think the best possible way to make it work is to provide for immediate recourse to law and to make the court the legal remedy for any instance of discrimination. I hope that, when the time comes, we shall be in a position to consider inserting a provision regarding this intermediate step. That would be a great improvement to the machinery of the Bill as it now stands. It would be practicable and would not, I think, defeat the object that the Government had in mind. That is all I have to say about it at this stage. I do not and cannot oppose

the principle embodied in the Bill. I do, however, regret it because I do not think this is the right way to tackle whatever the problem may be, if any, in our community; but, if we are to do it in this way, there should be some step prior to a prosecution. I hope that in due course we shall be able to consider that and perhaps insert a suitable provision.

Mr. CASEY (Frome): I support this Bill, but with mixed feelings. When one studies it and fully realizes its nature, one comes to the conclusion that it is perhaps a slur on the so-called Christian society that we claim to be a part of in this day and age. This Bill appears to me to be an unfortunate way of handing out white man's justice (if I may be excused for using that term, but we have to face up to it) to people who are different from us in race, country of origin or, as the Bill states specifically, colour of skin. I make no reflection upon the member for Flinders when I refer to his mentioning that this was United Nations week and that the United Nations Draft Convention was being considered, and even accepted, in many parts of the world. He even went so far as to say that our Commonwealth Government had accepted it in principle. I do not think that is quite true.

The Hon. G. G. Pearson: I said that the Commonwealth Government had considered it but had not accepted it.

Mr. CASEY: Yes; it has considered it but, as the honourable member has just informed me, it has not accepted it. However, that does not mean to say that we in South Australia cannot accept it. I think it is a good move. We are today living in a country enjoying one of the highest standards of living in the world, as most honourable members will appreciate. Unfortunately, we find that with this development of economic life there is also a development of social inequality. In many cases we see an actual decline in the social status of the underprivileged.

We have only to make ourselves conversant with current affairs (the newspapers, periodicals and statements made from time to time overseas) to realize the hunger and poverty that that part of the world is now experiencing. We read even that two-thirds of the world's population is underfed. That indicates (to me, at any rate) that we are living in a very selfish world. There seems to be no attempt to distribute the products of the wealthier nations to the under-privileged. That is a fact. I note that the member for Albert (Mr. Nankivell) is looking amazed at that, but it is true.

Mr. Coumbe: That is contained in the Bill, is it?

Mr. CASEY: No, but it appertains to the Bill, as we must appreciate that this is all tied up with the principle embodied in the Bill. Recently, I read an article about the present position in New Guinea. It was written by a well-known and widely travelled author and lecturer and dealt with the importance of New Guinea, with the development of which we in Australia are most concerned. We pride ourselves on doing a magnificent job for the people of New Guinea, but the person who wrote this article made no bones about the fact that the people in New Guinea were beginning to resent the white man's policy. There are reasons for that. We do not have to go back very far in the history of New Guinea or even of our own country, when dealing with the native peoples, to realize that 20 or even less years ago these people were under the impression that the white man could do no wrong, but I think they are finding out today that he is not omnipotent. He did not set out to be, but this was the image he created to these people, and they feel they are being let down because the white man does make mistakes.

Mr. Coumbe: He's not infallible.

Mr. CASEY: That is right; he is not.

The Hon. G. G. Pearson: It was not so long ago that many of the New Guinea natives had never seen a white man.

Mr. CASEY: That is the whole point. If we come back to the relationship between, on the one hand, the natives of Australia and New Guinea and, on the other hand, the white community, we must appreciate that what these people require is mutual respect. They must be treated as equals rather than with inequality. If we can get down to that basis, we shall make headway. If we do not get down to this basis of mutual respect and comradeship between the peoples, severe discontent will grow among them. It will make its presence felt in many quarters, not only in New Guinea but also here in many parts of Australia. To a certain extent, that is what this Bill sets out to try to eliminate. What will happen after that is difficult to predict, but in many parts of Asia today people reject much of the white man's philosophy and turn to somebody else, as is happening today when many people are turning to Communist China. This happens only because they have been under-privileged (anyway, by our standards). It is our responsibility. We have set ourselves up to

educate these people and try to elevate them to our standards, but we should realize that the whole matter must be founded on justice.

Mr. Rodda: And tolerance.

Mr. CASEY: Naturally. When we talk about justice, we include tolerance. Tolerance combined with the element of time goes to the root of the problem. I think they all mix up together to form one thing. I was particularly interested in the remarks of the member for Mitcham concerning the interim period between the actual act of discrimination and the eventual appearance in the court. I think the member made a good point but I point out that there are organizations within our community such as the Good Neighbour Council (which is doing a particularly good job) that are there for many reasons, and one reason could be to sort out these troubles that crop up in our community.

I think we will find that such organizations could act as this buffer that the member for Mitcham has mentioned. I commend the Minister for his foresight in introducing this measure. Unfortunately, many Opposition members are prone to criticize him for many of the Bills he introduces, and much of this criticism is unwarranted. I leave it to members' imaginations as to why he is criticized. However, he is big enough to take that and he has proved that he can; he is trying to do what he thinks is best for these people. I believe he is doing a very good job, because I have seen the practical side of the accomplishments of the Aboriginal Affairs Department in the North of this State, accomplishments achieved withn the very short time that the Minister has been in charge of the department. Administratively, he has conducted his department very well and, as a result, the department has a new slant on things that has borne fruit in many parts of the State. Let us take the example of schooling. Naturally, children all over the world can mingle because they are in an environment that suits the situation, but once people grow up they enter our social environment and inequality appears. One does not need to go very far in our society today to find inequality, and I believe this is the whole basis behind the introduction of this measure. That is why I said originally that I supported this measure with mixed feelings; I have no reservations, but it is unfortunate that we must reach the stage where we have to talk about injustice and inequality in a society such as ours. We enjoy one of the highest standards of living in the world and, please God, we will keep it that way, but we must consider other people. Only recently the Prime Minister himself said that Australians were at last realizing they were part of South-East Asia. If we realize that, we must try to help under-developed countries as well as ourselves.

Mr. McAnaney: We have to be there.

Mr. CASEY: I do not want to wander from the subject of this Bill. I think it was the Leader of the Opposition who used the expression "socialistic and Communistic"; we often hear that from the Leader. I recently read a booklet by an eminent missionary dealing with the matter we are concerned about in this Bill. That person said:

> It is often a reproach to us Christians that the people who are most concerned about hunger and inequality and injustice are the Communists. We, who have all the principles of social justice, too often have too little of the practice. We preach about it and write about it but not enough of us go out and do something about it.

We have done something about it in this Bill. He goes on to say:

> There are Communists who turn their back on a well-paid and comfortable life to live and work amongst the poor and the forgotten. They do not seek anything for themselves and, while one must reject the false philosophy that makes them do the right thing for the wrong reason, we can learn something from their unselfishness and dedication.

I support the Bill.

Mr. COUMBE (Torrens): I support the Bill and will vote for the second reading. The principles of this Bill are excellent and the theory unassailable, and one cannot in all conscience object to it. The question I wish to raise is whether this Bill is really necessary. I hope that it will never be necessary to implement the provisions of this Bill, and I believe that that is the opinion not only of the promoter of the Bill but of every member of this House. I hope that the fears expressed by the Attorney-General never eventuate. I strongly doubt whether the Bill is necessary. Indeed, it may focus attention on matters that are at present, in my opinion, minimal, so that the danger exists that the Bill may defeat its purpose. In examining the Bill's details, quite apart from its reference to colour of skin, country of origin and race, etc., we see that all the main clauses contain the words "shall not". That is the basis of the Bill's prohibitive clauses. However, in my view, the word "only" is the most important, for it qualifies entirely the question of a person's race, country of origin, or colour in regard to any offence.

In effect, a person shall not refuse to do certain things only because of another person's

race, country of origin or colour of skin. If any other offence is committed, then the ordinary process of the law already contained in the Statutes shall apply. The word "only" means that offences created in the Bill relate only to a person's colour, race, or country of origin. As previous speakers have more than adequately covered Aborigines in this debate, I do not intend to canvass that matter at all. I point out, however, that the Bill's provisions cover every citizen of the State, regardless of his colour, regardless of whether he has come from overseas and is now naturalized, or whether he is an alien not yet naturalized. I grant that possibly it is because of Aboriginal affairs and happenings that the Bill has been introduced, but the point I make is that the measure covers all citizens.

Let us examine the position relating to New Australians coming from overseas (particularly from Europe) to this country: the Bill does not necessarily apply because of the colour of the person's skin (as it applies in regard to Aborigines); it applies in regard to a foreign country from which a person migrates to Australia, or to the race to which a person belongs. Therefore, the Bill could conceivably apply between white and white. We know that many Italians, Greeks, Dutch, Slavs, Spanish, Germans and others migrate to this country, many thousands of whom become naturalized citizens, playing a worthwhile part in our community. Naturally, we desire the community to work as a whole, and honourable members, in attending naturalization ceremonies and addressing those present, stress the point that candidates for naturalization become Australian citizens.

Such people will be caught by this Bill, as will all other citizens. It is sometimes worth while taking an extreme example: for some reason an employer may dislike a person of a certain race. Such a person could be caught under the Bill if he refused to employ, say, a Greek or an Italian. The employer may have fought in the Second World War and developed a dislike of the Germans. If he refused to employ a German he could be caught under the provisions of the Bill that state that he shall not do certain things only because of a person's race. Naturally, I do not agree that such prejudices should exist, but it is a trait of human nature that sometimes people have such prejudices. The Attorney-General has wisely not inserted in the Bill a provision relating to the question of religion canvassed at the United Nations, because that would lead to all sorts of stife and open up another vista entirely, which would become intolerable.

I raise these points to illustrate that the Bill relates not only to Aborigines but has an entirely wider compass. I listened with interest to the Attorney-General's explanation of the Bill and to his reference to some of the undesirable features that apparently exist between whites and Aborigines in this State. Once again, however, I wonder whether, in trying to remove such undesirable features, more are not being created. Having listened to statements made about unkempt people being asked to leave premises, I should like to know whether the Attorney-General has considered expressing a view on the standards of behaviour and dress, quite apart from colour or race, that are generally accepted in a particular area or locality where an offence under the Bill may occur.

We know that in the district that you represent, Mr. Speaker, a certain type of dress for Aborigines may be acceptable in particular areas. Such a standard on the Davenport Reserve may be quite different from the standard in the outback. I have seen Aborigines on the Davenport Reserve as well as at Point Pearce. Taking an extreme example, again, if an Aboriginal was refused permission to enter, say, the South Australian Hotel's dining room because he was not wearing a tie, I suppose the person responsible for perpetuating that peculiar custom might be guilty of an offence.

The Hon. D. A. Dunstan: That is not only by reason of the country of origin, colour or race.

Mr. COUMBE: I appreciate that, but I raise the question of the standard of dress or behaviour that is customary in the area in which an alleged offence may occur. I grant that the extreme and rather foolish example I gave would be outside the provisions of the Bill. I have said that I will vote for the second reading because I do not believe we, in conscience, can oppose it. However, I doubt whether it is really necessary to include the Bill on the Statute Book. I stress again the fear that I have that we may be setting up some bogey or spectre that one day we may regret. I hope that if and when the Bill is placed on the Statute Book the offences referred to in it will never occur and that its provisions will never have to be implemented.

Mr. LANGLEY (Unley): I support the Bill and I congratulate the Minister for bringing it before the House, because for far too long

in this State we have been backward in helping Aborigines. The Bill is designed to help these people as much as possible. When the Minister introduces Bills in this place he is often belittled by Opposition members, but what they say rebounds against them, for outside the House the Minister is held in high esteem and regarded as a person who gets things done. I wish to refer to the problems alluded to in the Bill as they relate to two countries—South Africa, where there is segregation, and the West Indies, which is a free and easy country. In South Africa people are kept apart and there is always strife and worry. The segregation there does not help the life of the community. I am sure that had the natives in that country been given opportunities they would have become good citizens.

South Africa has been settled by white people longer than Australia, and if some form of education of the natives had been started years ago I am sure they would have been better off than they are today. These people in South Africa are kept down. Also, in The Rand and in the gold mining areas these people do not receive a just living, and I am sure legislation of this type would help them. In the West Indies colour and creed do not matter, and opportunity exists for everybody. People mix freely and nowhere are seen the troubles that abound in South Africa. For many years in South Australia Aborigines have been belittled and not given an opportunity. Education must be provided for these people. As the members for Burra and Torrens have said, education is important. People have come here from other countries and have received far more opportunities than the Aborigines, the first Australians, have been given. Because of the opportunity to attend our schools and mix freely with our children (and the younger people from other countries have mixed with our workmen) these children have picked up the traits of the people of this State. I am sure that if Aborigines were given an opportunity they would grasp it with both hands, especially the young people.

The only Aborigines who are more or less recognized to any great extent are those who do well in different fields. In the football and cricket worlds these people have received opportunities. Roger Rigney, who was a member of the Sturt premiership team this year, has assimilated with the people in Adelaide. He helps his friends because he has been able to come to town where people have taught him many things. I am sure that we do not want the things referred to in the Bill to happen but they are there. The Bill will provide Aborigines with an opportunity to be amongst us more often and to become assimilated. The main thing is to give them confidence and make them feel they are wanted by us. I am sure the Bill attempts to cut out discrimination. This legislation should have been brought forward long ago.

The Hon. D. N. BROOKMAN (Alexandra): Like all other members in the House I find racial discrimination completely objectionable. It is a most objectionable feature of any community life, and I hope that it does not spread in this community. As the Minister said in his second reading explanation, it is not as bad here as it is in some other parts of the world. Nevertheless, it obviously exists in some areas. I am quite certain it will not be eliminated by the Bill, but insofar as the Bill sets out to see that it does not spread and, if possible, to eliminate it, I support it. With other members of the Opposition, I have considerable reservations about the terms of the Bill. I consider that the amendments proposed by the member for Flinders need much attention, for I believe they would set out to do something of a more practical nature than the Bill would achieve if it were left as it stands.

I wonder about these Bills. It is arguable whether they are needed and whether they will do any good. Certainly the features of discrimination are objectionable to all members and, to that extent at least, we agree. Of course, the fact is that when people become used to each other racial discrimination and prejudices gradually fall away. When they see a lot of each other and work or live together the prejudices gradually disappear and the natural humanity asserts itself. Of course, people do not always work and live together, and that is why there is much prejudice because of colour. We know that army life immediately tends to remove prejudices of colour. Reference was made earlier not only to Aborigines in the armed forces but to the Maoris of New Zealand. The Bill refers more particularly to Aborigines than to anyone else. It deals with other forms of prejudice but naturally it mainly concerns the Aboriginal people. I think everybody recognizes the Aboriginal people as a fine race with many good qualities. In tribal life they have an extraordinary physical toughness, together with some admirable traits of character. Much discussion has ensued as to the necessity for this Bill; I think it would be better in a completely different form, but I shall explain that attitude later. The Bill is

here, and I believe Aboriginal people, particularly those of mixed European and Aboriginal blood, have been extremely embarrassed during the last few months by the debates and by the attention naturally thrown on to them.

This leads me to the question whether such people hold any resentment for what they consider to be prejudice against them in certain parts of the community. There is no doubt that these people, particularly the Aboriginal people of mixed blood, have considerable resentment about the prejudice shown to them by some people. I do not blame them for resenting such prejudice. I realize that there are individuals of the type I have mentioned in both camps (both the totally European people and those with mixed blood) who are certainly not a credit to their race. Such people merely aggravate the problems that arise. At the worst, the problem in South Australia cannot be considered a serious one by world standards.

The amendment moved by the honourable member for Flinders is a sensible one and was probably the outcome of a fine, thoughtful speech delivered by the member for Albert who, contrary to the attack made upon him earlier, did a great deal of homework on this subject. I mention here that the attack by the member for Gawler on the member for Albert made me realize how hopeless it is in debate to get everybody looking in a fair manner at the arguments of the other side. The member for Gawler's refrain was that the member for Albert had not done any homework; my opinion is different from that because I know the member for Albert did a great deal of homework and studied the subject matter for many months. On the other hand, apart from his envenomed pieties I do not know what work the member for Gawler did, because he certainly did not discuss the Bill as though he had read it.

Mr. Lawn: The member for Flinders has undone all the homework of the member for Albert.

The Hon. D. N. BROOKMAN: The member for Gawler was happy to denigrate the member for Albert who I believe made an important contribution to the debate. I objected to the somewhat casual attitude adopted by the member for Gawler, who started off on several occasions saying "If I may say so without wishing to be unkind" and then proceeded to be as unkind as he could be; he was undoubtedly unkind, whether he wished to be or not.

I support the remarks of the member for Albert because he explored the amendment proposed by the member for Flinders. Between the two speakers I think they have produced an amendment that will make this a successful Bill. The complaint is that under the present Bill, if it is to become operative, one single act can become an offence for which a person may be prosecuted and fined $200. That does not seem reasonable. What is needed is conciliation, which is something that the community generally wants—if not forever, then at least over several years in a matter such as this. Nowhere is conciliation needed more than in a district like that of the member for Frome because in such places in public bars (where, perhaps, discussions are looser and possibly more heated than in any other place) casual words and abuse are thrown around and can lead to offences under this Act. A successful prosecution may be launched—

The Hon. D. A. Dunstan: How can loose words in a bar lead to prosecutions under this Act? Under what section?

The Hon. D. N. BROOKMAN: There are any amount of ways that a breach of the Act can occur in hotels.

The Hon. D. A. Dunstan: How? Will the honourable member point to something definite?

The Hon. D. N. BROOKMAN: A man may ask for accommodation and be refused it on the grounds that the publican did not like the colour of his skin, so the publican could be prosecuted and perhaps fined $200 for that one act. All that is needed is the one heated word "No". I can assure the honourable member for Frome and the Attorney-General that plenty of heated words are exchanged in hotels.

Mr. Casey: There is no need to tell me that; I lived in one for 18 years.

The Hon. D. N. BROOKMAN: In a district such as Frome it is possible that acts such as this could happen more so than in any other district because more people of Aboriginal descent reside there than reside in many of the other country districts.

Mr. Casey: Yes, but we do not have hotels all over the place in Frome.

The Hon. D. N. BROOKMAN: I am saying that this could lead to an offence, and that is not right. What is needed is conciliation. The amendment of the member for Flinders is a sensible one. I believe it would immediately make provision for proper conciliation and a proper approach. No prosecution should be launched without this advisory committee, the Racial Discrimination Advisory Committee, comprising the Chairman of the Aboriginal Affairs Board—

The Hon. D. A. DUNSTAN: On a point of order, Mr. Speaker, is the honourable member in order in discussing an amendment proposed to come before the Committee on a contingent notice?

The SPEAKER: No. The amendment cannot be debated in detail; it can be referred to.

The Hon. D. N. BROOKMAN: Thank you, Mr. Speaker. I am only going to refer to it. The committee consists of the Chairman, as I said, a representative of the Good Neighbour Council, and a legal practitioner of seven years' standing; in other words, it is a responsible committee. It will deal with complaints and will be the only body able to launch a prosecution under this Act. Obviously, that would lead to conciliation, with probably not many prosecutions. When the prosection is launched it will be for a blatant breach of the Act, and will be correctly drawn. That is what is needed rather than a very summary Act with all offences and penalties named. Other races are referred to in this Bill, but I have spoken mainly about Aborigines, because I am not sure where other races stand. English migrants feel deeply about the prejudice they meet in Australia, and I know that many have complained of it. I do not know how the Bill will apply to migrants from Eastern European countries. I realize that in the engagement of employment the Bill does not apply directly but, as an example, what happens when a group of people from Eastern Europe, with a council of their own, want to engage a secretary? No doubt they would want one of their own race, but if an Australian wanted the job, I take it that, under this Bill, there would be no way that they could discriminate against him unless it was for some reason other than his country of origin.

Mr. Shannon: Couldn't they object because he had a white skin?

The Hon. D. N. BROOKMAN: That is so. Somewhat absurd situations could arise under these provisions. Anyone is entitled to launch a prosecution, particularly a person injured in employment. In the illustration I used, the Australian, who rightly would have been passed over in favour of a fellow countryman, might be entitled to launch a prosecution. Whether it is sensible or not it is legal, and may be successful. It would be much better if an advisory committee were appointed, as it could consider the complaint and decide whether a prosecution should be launched. It will probably do much conciliation before the prosecution is launched. I support the Bill, but strongly prefer that the foreshadowed amendment be included in the Bill.

Mr. RODDA (Victoria): I do not wish to cast a silent vote. I was surprised last evening to hear the Attorney-General say, when the member for Rocky River was speaking, "You blokes over there just don't want anything to be done." That statement is not strictly correct, as has been borne out by the speeches of members on this side. We are concerned with Aborigines in this State and in every other State of the Commonwealth. In his second reading explanation, the Attorney-General said:

> The purpose of this Bill is to give effect to the Government's intimation to the Commonwealth Government that the Government of South Australia believes that the whole of the United Nations Draft Convention on Racial Discrimination should be ratified by the Commonwealth of Australia.

I, with my colleagues, agree that we should not discriminate against anyone, and I shall vote for the second reading of the Bill although I support the amendment that has been foreshadowed by the member for Flinders. As the Attorney-General pointed out, in South Australia, fortunately, we do not have many instances of racial discrimination. Many Aborigines in my district are a good example of their race, but others have run off the rails during the process of assimilation and have incurred the displeasure of their neighbours in the districts and towns in which they lived. Under the Bill, where a person is to be charged with discrimination there must be a reason other than race and colour. The people about whom we are talking must go some of the way to adopt and maintain the standards set up in an ordered and civilized society. It is a great credit to the people of this State that we do not have many examples of discrimination, and this speaks volumes for education in this country. We must educate the Aborigines and show other countries how we can treat these people. I interjected during the speech of the member for Frome, who was sounding for all the world like the 13th Apostle—

Mr. Casey: Not the member for Rome?

Mr. RODDA: With a name like that we can only describe the honourable member as the 13th Apostle and the honourable member for Rome, as he is very ecclesiastical.

The SPEAKER: The honourable member will please refer to the honourable member as the member for Frome.

Mr. RODDA: I shall bow to your ruling, Mr. Speaker, and only do those things that are right. The member for Gawler this afternoon took my colleagues, the member for Albert and the member for Rocky River (Mr. Heaslip), to task for departing from principles. However, we uphold the right of free speech and I know the member for Gawler would be the last to deny that right. Now that the Attorney is looking at me—

Mr. Clark: I don't know how he could stand it!

Mr. RODDA: Beneath that gaze he has great charity, as I think he has shown today. The metaphoric term has been used about a certain type of seafaring gentleman. However, I am sure that we in South Australia have set an example that should not worry him, me or any other South Australian, because we are good God-fearing citizens.

Mr. Quirke: This is the 14th Apostle!

Mr. RODDA: Rome was not built in a day and the proposals in this Bill will not be given effect to in one generation. I support the second reading and shall give my wholehearted support to the amendment that has been foreshadowed.

Mr. BURDON (Mount Gambier): After listening to the member for Victoria, I agree with the statement that little has been said. If I sat down now I would have said as much as some members opposite have said. We are dealing with discrimination against people of various colours and creeds and the United Nations has made a declaration on human rights in relation to this matter. Although this matter does not deal directly with the Australian Aborigines, much of the debate has centred around that group. If we are going to speak of our Aborigines, we must remember that through the years we have denied them their rights and have treated them as second class citizens.

The member for Alexandra objects to the imposition of a penalty against any person who discriminates against another on the grounds set out in the Bill and it appears that some honourable members opposite consider that the time for the implementation of a penalty for discrimination has not arrived. However, I consider that the Bill is overdue and that a penalty is a just reward for an act of discrimination of this kind. I compliment the Attorney-General on the introduction of this legislation and am proud to be associated with what is being done by him and other Ministers about many matters that should have been attended to many years ago. In a few months the people of South Australia will realize what this Government has achieved in a short time.

Australia has been singularly free of the racial problems that have confronted other countries, and this Bill will be a means of overcoming any such difficulty that may arise in future. I do not favour the amendment that has been foreshadowed, because it would hinder the operation of the Bill. I know the Attorney-General's attitude is that the amendment would be ineffective. I support the Bill.

The Hon. D. A. DUNSTAN (Attorney-General): In dealing with the speeches of the Opposition on this Bill, I find myself faced with some difficulty, because rather differing attitudes have been expressed by many honourable members opposite. Last night we heard two speeches (after an initial speech in which an honourable member said that he formally supported the second reading) in which honourable members said outright that they opposed this Bill. The member for Albert (Mr. Nankivell), with whose speech I shall deal in a moment in some detail, said after some initial hesitation that he was opposed to the second reading of the Bill and, while he believed in the principle of not having racial discrimination, he proposed to throw the Bill out. The member for Rocky River said that he considered the provisions of the Bill vicious and that he intended to oppose the second reading; that the penalizing of overt acts of racial discrimination in South Australia was vicious. As he was one of the earlier speakers for the Opposition, I thought this was an expression of the views of the Opposition upon this measure. I was somewhat affected in my view of the attitude of the Opposition by the fact that members of the Opposition in another place had made it known to a number of organizations in South Australia that they proposed, when this measure got to the Legislative Council, to tear it apart.

The Hon. D. N. BROOKMAN: On a point of order, Mr. Speaker, is it in order for the Attorney-General to refer to members of the other place in the terms that he used?

The SPEAKER: The Attorney-General was referring to statements made outside the House and, as far as he has gone this evening, I think there is no reason to call him to order.

The Hon. D. N. BROOKMAN: Is the Attorney-General in order in using the term "Legislative Council"?

Mr. Lawn: It is used in this place often enough.

The SPEAKER: He is in order. He is not referring to proceedings in another place. The honourable the Attorney-General.

The Hon. D. A. DUNSTAN: Thank you, Mr. Speaker!

Mr. Lawn: You mustn't talk about the "blue bloods".

The SPEAKER: Order! I ask honourable members to maintain order. The Attorney-General will continue with his reply.

The Hon. D. A. DUNSTAN: This afternoon honourable members opposite have, at best, damned this Bill with faint praise and at other times have said some fairly rude things about its provisions, but they said they proposed to vote for the second reading. I shall deal with the remarks of the honourable members opposite in some detail and in sequence. The member for Albert addressed the House last night with a speech which, I must confess, disappointed me. He normally addresses this House with speeches that have been carefully prepared and are well-reasoned. I say that because I believe that credit should be given where credit is due. That is his normal wont, but I can only say that I was sadly disappointed in what he had to say last night, because his criticism of this measure was not that it was ineffective in accomplishing its objects but that it differed from measures elsewhere, and particularly that it differed from the Act passed in the United Kingdom. But there the Act was designed to cope with radically different conditions from those existing in South Australia.

Let me deal with the three criticisms that the honourable member made of the Bill. The first was that we were penalizing overt acts of racial discrimination by making them summary offences rather than providing a procedure by which someone could get an injunction against another person. I do not know whether the honourable member has examined the injunctions procedure in any detail; I do not think he can have. I suggest seriously to him that he have a conversation with his legal colleagues and go through what is involved in getting a permanent injunction before the courts, because this is an expensive, lengthy and complicated procedure.

Mr Lawn: You mean his legal colleagues in another place?

The Hon. D. A. DUNSTAN: No. He has on his side of the House two members who are experienced practitioners at law and who could advise him on the subject.

Mr. Clark: But you would not mind including legal members from another place, too?

The Hon. D. A. DUNSTAN: No. In order to get an injunction, one has to go to the court. One can get an interim injunction by the interlocutory procedure before the court. In a local court this is granted normally only if one has an ancillary claim. The injunction claim is ancillary to a general claim at law for damages. In the Supreme Court one can also get an interlocutory injunction at large: it does not have to be an ancillary claim. This has to be obtained from a judge in chambers, and it is normally granted only upon guarantees being given as to the damages obtaining to anybody against whom an interim injunction may be made, which may later be proved to have occurred because the injunction was granted. Then the case is set down for trial, and evidence has to be called to obtain a permanent injunction. This is not a simple procedure; it is an expensive, complicated and lengthy business.

Mr. Nankivell: I hope this Q.C.'s advice will not cost me anything!

The Hon. D. A. DUNSTAN: The honourable member is getting free advice at the moment but I assure him that if he tries to get an injunction it will cost him something. That is what we are faced with as far as injunctions are concerned. Then the honourable member said, "We should penalize not single overt acts of racial discrimination but only courses of conduct." How are we to prove "courses of conduct"? Against whom would this measure be effective if this was the sort of thing that we were faced with? Members opposite have criticized, as have some lawyers in South Australia, the fact that this Bill provides no shifting of the onus of proof, that the discrimination must be proved beyond all reasonable doubt to have been only by reason of race, colour of skin, or country of origin, that that is a very heavy onus for the prosecution, and that therefore it will not be easy to get convictions. How much harder would it be to get a conviction if, in fact, one had to prove a course of conduct of overt racial discrimination? Let me give some examples of the kind of thing with which the Aboriginal Affairs Department has been concerned during the last 18 months. At a certain picture show on certain nights of the week, Aborigines, regardless of their dress, conduct, cleanliness or anything else, are excluded from certain parts of the theatre because they are Aborigines. In order to show that this occurs one would have a hard enough job under the existing provisions of the Bill, but to prove a substantial course of conduct over a period

would be very much harder. Also, there are certain hotels, principally in the outback areas of South Australia, that, regardless of the dress, behaviour, cleanliness or otherwise of Aborigines, refuse to serve them.

Mr. Nankivell: Surely action could be taken.

The Hon. D. A. DUNSTAN: But how does one prove a course of conduct? We would have to have people there for a period. Let me give another example. There have been occasions when Aboriginal women (well-qualified housekeepers with the best of references) have been accepted for employment in country areas. They have turned up and been turned away at the door because the people concerned have said, "We do not employ people with coloured skins". How do you get a course of conduct in this? Are we to see to it that such Aboriginal women with good references are to make continuous applications for the same employment? These are the sorts of cases which could be proved under the present measure but which, if we were to demand a continued course of conduct, would be almost impossible to prove, and the measure would be entirely nugatory. This is an entirely different situation from that which existed in certain parts of England. For instance, at Notting Hill quite clearly over a period certain landlords discriminated overtly, and where a continuing course of conduct could be proved an injunction could be required, but that sort of thing does not occur in South Australia. What we want to show is that people cannot go on with a course of conduct about which they have been approached but refuse to do anything because there is nothing in the law to gainsay them.

The honourable member has criticized the Bill because we do not have conciliation committees. True, in England there are conciliation committees because in certain parts of England there is considerable continuing racial conflict, and these areas are known. The setting up of formal committees on a local basis can contribute to a lessening of racial tensions, but in South Australia this kind of widespread racial tension within a particular area does not exist. There are individual cases of overt racial discrimination. Some members opposite have suggested that because there are not many such cases it is unnecessary to do anything about them and that this measure is premature. To the people who are affected, it is not premature. Those people are hurt, and they are hurt nonetheless because the instances are not part of a widespread attitude of racial discrimination. There is a sufficient number of these cases to cause us to take action to see that this sort of thing ceases.

Regarding the measures to promote understanding of racial and cultural differences, we already have bodies of this kind in South Australia; we do not need to set up formal committees. We have the Good Neighbour Council, and the Country Women's Association does an extremely good job in many country areas of South Australia. Mrs. Hunt-Cooke, a member of the Aboriginal Affairs Board, has given very significant assistance in getting people in country areas to assist in the assimilation of the Aboriginal people who have come to live in country areas. Anybody who has seen the work that she and members of her association have done can be nothing but thankful for the understanding they have promoted. The Good Neighbour Council, the National Council of Women and the various Aboriginal advancement organizations also assist in various areas. The member for Port Pirie has a branch of the Aborigines Advancement League in his area: I think he is a member. You, Sir, have one in your area. These organizations promote understanding and assistance.

We do not need formal committees to be set up for this purpose, because we already have the necessary voluntary organizations that can promote understanding and integration. Why do we need some formal body with a common seal travelling around South Australia? That would be cumbersome and ineffective. The local people are already involved and the Aboriginal Affairs Department is rapidly promoting organizations of this kind throughout the State. The member for Victoria knows that in his district there have been one or two difficulties at Penola and, as a result, local church organizations have been called together by members of the Aboriginal Affairs Department so that difficulties can be talked over and people interested in integration can be brought in to do the necessary work. Why do we need a formal committee of conciliation? Members of the Aboriginal Affairs Board already travel the State to give assistance in these efforts. The conditions that called into being the conciliation committees in England do not exist in South Australia. Why do we need this cumbersome provision in a Bill that can do the whole thing simply? I do not think, with great respect to the honourable member, that, by looking at the English measure and not taking into account the conditions as they exist in South Australia, the honourable member

has done a service to his cause or his side. I do not think his criticisms of the Bill are valid.

I turn now to what has been said by several other members. The member for Rocky River is not a member who on many occasions in this House has shown his support for the principles of integration into this community of people of racial differences. However, I was horrified by what he said last night, but I cannot say I was surprised. I do not know what moves the honourable member in this, and I do not think it would be useful to the House for me to say anything more, because I would only get angry. However, perhaps I can say this about some of the things that have been said in the House in this debate: I must confess that it moves me considerably when things are said in the House apparently in ignorance of the condition of Aborigines in South Australia. I know from what has been said to me by Aborigines in this State, who are my close friends, men whom I admire and respect, and for whose friendship I am grateful, that they have been hurt by some of the things that have been said by honourable members opposite during this session on another matter. From what has been said by the member for Rocky River (Mr. Heaslip) and the member for Burra (Mr. Quirke) in this debate, I know they will be hurt bitterly again. I get angry when I hear those things.

Mr. Quirke: Don't take it to heart.

The Hon. D. A. DUNSTAN: I do not apologize for that anger, either. I can only say that the arrogant superiority of the member for Burra's speech in the House this afternoon appalled me. If the honourable member does not know the condition of Aborigines in South Australia, it is about time he got about and found out.

Mr. Quirke: He knows, all right.

The Hon. D. A. DUNSTAN: From what he said this afternoon, he does not.

Mr. Quirke: You never listened.

The Hon. D. A. DUNSTAN: I listened and was appalled by what I heard.

Mr. Heaslip: I think you would know more about it if you did not announce the fact that you were going into a district. I am thinking about Port Augusta a fortnight ago.

The Hon. D. A. DUNSTAN: I was in Port Augusta a fortnight ago; I have a great many friends there and have nothing to apologize for at Port Augusta, either for them or for me. I appreciate what is being done at Port Augusta. Honourable members opposite, from things they have said this afternoon about the expenditure of the Aboriginal Affairs Department, obviously do not know. It is about time they looked at Davenport Reserve, because they would then see what is being done with the money being expended in South Australia. The changes that have taken place on that reserve over the last 18 months would open their eyes as to what can happen with Aborigines in South Australia if they are given a chance. For the member for Burra to say some of the things that he said today about Aborigines in South Australia, it is quite obvious that he does not know the condition of Aborigines in this State. We have hardly any nomads left in South Australia but, obviously, the honourable member does not appreciate that.

Mr. Quirke: He appreciates it more than you do.

The Hon. D. A. DUNSTAN: With the introduction of this measure, about which many Aborigines have approached me to see what they could do to help because they believed that it was right that the measure should be brought in, they have brought to me numbers of cases that would be dealt with by this measure, where they have been hurt by the attitudes of people in the community. I know from the things they have said to me that they feel that, with the introduction of measures of this kind, there is a different atmosphere in South Australia towards them. Numbers of Aborigines have said that, with the introduction of the measures that have been introduced by this Government, they feel they can hold their heads up as citizens of this country and that this was something that they did not feel before.

This Government is proud that that is the reaction of many Aborigines in South Australia, because we believe that such a feeling is long overdue. That is one of the things we are trying to achieve with this measure. In fact, two things can be achieved: the first is the ending of overt acts of racial discrimination. True, as honourable members opposite have said, it is impossible to legislate for a change of mind or attitude by people; that their social attitudes are their private business; that we therefore cannot legislate to change them; and that this is a matter of long-standing education and of trying to get people to appreciate that their previous attitudes have been wrong, unkind and unchristian. By ending overt acts of racial discrimination we can, in fact, lessen the real hurt to people of discernible difference from the rest of the community. We can do something else: we can assist in the

change in climate of public opinion simply by saying that the community not only thinks that these things are wrong and immoral but that they should be illegal. That is an expression of attitude on the part of the community which in itself, and in the passing of legislation, assists in the general change of attitude within the community.

It is on those two scores that the Government has brought this matter before the House. I do not believe that any purpose is to be served by adding into this measure some complicated administrative structure. If honourable members opposite believe that there will be unfair and inopportune prosecutions under this measure, I would be prepared to agree to an amendment of the kind that has been written into a number of other Acts; that is, that prosecution be only on the certificate of the Attorney-General, so that it could be seen that a real basis for any prosecution existed. But it would be an extraordinary thing to require that, before there were any prosecution under this measure, a board consisting of the Chairman of the Aboriginal Affairs Board (who is the Professor of Anatomy at the Adelaide University), a nominee of the Good Neighbour Council, and a legal practitioner of seven years' standing, should trek off, say, to William Creek to have a talk with the local publican about whether he admitted Aborigines to his hotel.

The Hon. G. G. Pearson: He would not have any trouble there; he is a first-class publican. If you don't know him, I do.

The Hon. D. A. DUNSTAN: I am glad to hear the honourable member say that, because I may ask for the honourable member's assistance in the matter. Indeed, I may have reason to do so, from the reports that I have received.

The Hon. G. G. Pearson: Then it is not the same man.

The Hon. D. A. DUNSTAN: We cannot have some complicated procedure of this kind. The simple prescription of penalties, together with the requirement that these offences be proved beyond reasonable doubt, will give all the necessary protections to members of the public. Once the community says that it believes that overt acts of racial discrimination are wrong, why should we have to have some special conciliation procedure? Indeed, we have tried conciliation procedures in numbers of instances that have failed. I have personally approached people who have been involved in some of these matters that I have mentioned to the House this evening, and they have refused to change their attitudes. What do we do in these circumstances? In no case would it be likely that a prosecution would be initiated by the department unless other measures had been tried and had failed. There have been cases against Aborigines, for instance, of breaches of pastoral lease, and the like, in the North. We do not rush into prosecutions; we approach the people concerned to see whether we cannot get some difference in attitude and a better appreciation of the situation. In some cases that has been successful, but in others it has not, and it is because of those cases that we have asked for this measure.

The Leader of the Opposition saw fit this evening to suggest that it is my wont to promote what he called direct actions of some kind. I do not know whether I am supposed to be fermenting riot and rebellion in South Australia; I am not aware that I have been guilty of any such thing. In my second reading explanation I was referring to the approaches that had been made to me by committees, similar to those that existed in New South Wales, which said they were going to undertake the same kind of procedures that had been undertaken in New South Wales by groups of Aborigines and students. Instead of fermenting them to this kind of thing (which the Leader would have the public believe was my habit), I suggested to them that rather than do this they should let me have the details of the acts of which they complained and that we would see whether we could not do something about them administratively to induce a different attitude on the part of the individuals involved, because I believe that if the kind of action was undertaken here that was undertaken in New South Wales this would lead to extreme attitudes being taken publicly instead of the kind of conciliation that we believe should be practised.

I do not know whether the Leader thinks that was fermenting direct action, riot, revolution or the things of which honourable members opposite or of another place have seen fit to accuse me. The motive of the Government was to see to it that we got this thing done satisfactorily. The Bill has been partly the outcome of the failure of the department's approaches to individuals asking them to change their attitudes about overt acts of discrimination. We found that we could not induce them to do so—they adamantly refused. It was felt that the simplest way to deal with the matter was to say that their actions were wrong and that they would be subject to penalties if that sort of thing occurred again. I do not think there is anything difficult

about that. I believe that if this measure is passed there will not be (and I agree with the member for Torrens on this) many prosecutions. However, the fact that it is there on the Statute Book will be a salutary incentive to people not to go in for acts of racial discrimination.

Mr. Coumbe: I said I hoped the provisions of the Bill would not apply, because I hoped there would be no offences.

The Hon. D. A. DUNSTAN: I think that when the Bill is on the Statute Book there will not be; at least the number of offences will be considerably lessened. However, they do occur now, and without something of this kind on the Statute Book we have no way of inducing people not to go in for these acts. With a simple procedure of this kind, I believe we can get around many things which today are causing quite real hurt to individuals in South Australia.

Some fairly lengthy speeches were made about fairly extraneous matters, but I do not think it is necessary for me to reply to them in any detail at all. I believe that the Bill is clear and that it will be effective. I find it difficult to understand why it is that it has received the opposition from members opposite that it has received, because it is in accordance with the proposals of the United Nations Draft Convention. It is in accordance with a measure put before Congress by President Johnson. It has been hailed not only in this State but throughout the Commonwealth, the United States of America and the United Kingdom as a simple, effective and significant contribution to laws relating to racial discrimination. Indeed, an American newspaper of a liberal kind, the *Christian Science Monitor*, had a headline to the effect that this was a simple and effective measure in this area. I know from representations made to me by organizations throughout Australia that they are watching this measure with great interest because they believe it can be a pilot measure not only for this State but for the rest of the Commonwealth.

Mr. Hughes: I would like to hear Dr. Fay Gale reply to some of the statements made.

The Hon. D. A. DUNSTAN: I am sure she would be interested.

Mr. Millhouse: I am afraid members have disconcerted the Minister.

The Hon. D. A. DUNSTAN: I am not in the least disconcerted. Apparently the honourable member did not hear me; I should think Dr. Gale would be very much more pungent in her reply than I have been.

Mr. Millhouse: You haven't been very pungent.

The Hon. D. A. DUNSTAN: If the honourable member wants me to be more pungent I will stoke up the sulphur and get going. I hope that members opposite (all of them, despite what has been said by some) will vote for the second reading. I believe that what has been forecast by the member for Flinders will be a hindrance to the Bill, and an extraordinarily cumbersome procedure which will make it ineffective. On this side of the House we have always been prepared this session to consider sensible and constructive amendments. On many Bills before the House I have accepted many amendments from honourable members opposite, as they will remember if they think back. However, I do not believe this proposal is sensible, effective or helpful to the measure.

The Hon. G. G. Pearson: I am not taking a point of order, but I do not know whether you should be debating my proposal.

The Hon. D. A. DUNSTAN: I am raising it only because I raised a point of order when the member for Alexandra was speaking, and he was allowed to speak on the matter; I am replying to him.

The Hon. G. G. Pearson: He did not debate it.

The Hon. D. A. DUNSTAN: He said he thought it would be helpful: I am only saying it would not be.

The Hon. G. G. Pearson: You are giving your view on it.

The Hon. D. A. DUNSTAN: I am trying to be helpful to the honourable member.

Mr. Millhouse: In what way?

The Hon. D. A. DUNSTAN: By telling him my view at this stage.

The Hon. G. G. Pearson: I do not speak before you introduce Bills so you should not speak before I move my amendment.

The Hon. D. A. DUNSTAN: I shall be happy to hear the member for Flinders on it. I listened to the Leader's objections to the situation of a widow in a boardinghouse. With great respect to him, I think his fears are illusory, but, as I understand the member for Albert intends to move something in this regard, I am perfectly prepared to go along with that if members opposite think it will be helpful. I believe it is vital to keep this Bill simple and effective, and the only way to do that is to keep its present general framework.

Bill read a second time.

The Hon. G. G. PEARSON moved:

That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider a new clause relating to matters precedent to and the commencement of proceedings under the Act.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation".

Mr. HALL (Leader of the Opposition): I move:

In the definition of "boarding-house" to strike out "three" and insert "six".

I understand that the member for Albert will be moving a further amendment that may affect this matter, but only in particular circumstances. I refer to the definition of "boarding-house" and "lodging-house". In the second reading debate I raised the question of how this could affect the private owner, who may not necessarily be a widow but who may be a woman who takes in boarders. I once boarded in a similar type of home and I know that frequently boarders in such circumstances become more like members of the family and the complete home is shared. I do not approve of discrimination in public places but I believe it is going too far to interfere with the running of a private dwellinghouse. If Parliament enters into this sphere under this Bill I believe we are going too far into the private lives of people. I see no reason why this Parliament should intrude into this type of home. I believe that the Bill should deal solely with provisions affecting discrimination in public services, in the sale of goods and in land transactions.

I have examined the definitions, and the only way I can see to overcome the difficulty is by way of the amendment that I have proposed. With the number altered to six, I believe it would take a dwelling from the realm of a private home into that of a business venture necessitating the employment of paid help.

The Hon. D. A. DUNSTAN (Attorney-General): I hope that the Committee will not accept this amendment. I am prepared to accept the projected amendment of the member for Albert which I believe will cope with all the objections raised by the Leader. It will be effective far beyond the possible number of six boarders in any case where a private property is involved with lodgers or boarders. Therefore, in those circumstances I do not think it proper to support the Leader's amendment which would, in fact, cut out the vast majority of boarding or lodging houses. With the honourable member for Albert's amendment all the objections raised by the Leader are coped with and, although I am not particularly happy about the idea that we should leave the way open for discrimination in these circumstances, I am prepared to accept that as a compromise. However, the combination of the Leader's amendment and that of the member for Albert would take the matter too far.

Mr. SHANNON: I cannot see why the Attorney objects to the amendment. On occasions a husband and wife after the departure of their family have a spare room available for two or three people and they then take in lodgers in order to augment their income. Not all people are affluent, and it is not the affluent people who do this. Surely three people could not be regarded as a great influx into a home where probably four or five children have been reared. I believe the Leader has put his finger on one of the weaknesses of the Bill and that we could be interfering with what is a private affair. I know how I would feel if I could not choose whom I had in my house. If the honourable member for Albert has a better amendment I would be interested in it, but at present I have not seen it.

Mr. HALL: I have examined the proposed amendment of the member for Albert, and whilst I do not want to alienate the support of the member for Onkaparinga, as I may need it later, I must agree with the Attorney's interpretation of the proposed amendment. I understand he has said that he will accept the member for Albert's amendment, and if that is so I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 3 to 5 passed.

Clause 6—"Prohibition of refusal of letting".

Mr. NANKIVELL: I move:

After "skin" to insert the following proviso:

Provided that this section shall not apply to a room in a boarding-house or lodging-house which is occupied by the proprietor thereof if the person to whom any room is available for letting is entitled in common with the proprietor to the use of any accommodation other than accommodation required for the purposes of access to the boarding-house or lodging-house.

It covers the matter raised by the Leader and means that where any accommodation in

premises is shared with the family they have the right to discriminate with whom they share the bathroom and other facilities.

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 7—"Prohibition of dismissal, etc., of employee."

The Hon. G. G. PEARSON: This is difficult to interpret. What is meant by "injure him in his employment"?

The Hon. D. A. DUNSTAN: It is covered by the unionists' term "victimization". The person concerned is given all the worst possible jobs so that things will be as unpleasant as possible in his employment. This section is not new: it is taken from the Commonwealth Conciliation and Arbitration Act, in which an employer is forbidden to do these things when the reason for his doing it is that the employee is seeking the enforcement of benefits of a Commonwealth award. It is not difficult to prove.

Clause passed.

Clause 8.

Mr. NANKIVELL: I move:

In clause 8 (1) after "in" third occurring to insert "respect of".

This clears up what seems to be an omission.

The Hon. D. A. DUNSTAN: I have carefully considered this and, with great respect, I think my draft was correct. The repetition of "respect of" is not correct, because the preposition "in" refers to the creation of rights in a person and not in respect of a person.

Amendment negatived.

Mr. HALL: Does subclause (2) apply to past agreements?

The Hon. D. A. DUNSTAN: There is no presumption of retrospectivity; the presumption is in the other direction in all Bills unless there is a specific provision to the contrary. In my view, this provision does not have retrospective operation.

Clause passed.

Clause 9 passed.

New clause 8a—"Racial Discrimination Advisory Committee."

The Hon. G. G. PEARSON: I move to insert the following new clause:

8a. (1) There shall be a Racial Discrimination Advisory Committee.

(2) The committee shall be a body corporate with perpetual succession and a common seal, and with power to take proceedings for offences against this Act in its corporate name.

(3) The committee shall consist of three members, one of whom shall be the Chairman for the time being of the Aboriginal Affairs Board; one shall be appointed by the Governor on the nomination of the Good Neighbour Council of South Australia and one shall be a legal practitioner of seven years' standing appointed by the Governor, who shall be the chairman of the committee.

(4) The members of the committee shall hold office for a period of five years.

(5) The office of any member shall become vacant if—

(*a*) he dies;
or
(*b*) he resigns by written notice given to the Minister.

(6) If a casual vacancy occurs in the office of a member of the committee the Governor may appoint a suitable person to the vacant office for the balance of the term of the member whose office is vacated.

The Minister indicated that he did not like this amendment because he considered it cumbersome and unnecessary. I think that sums up his principal objection. I was disappointed to hear that, because although the clauses that have been passed achieved what the Attorney set out to achieve, I consider that we are dealing with the matter in an undesirable way. The amendment makes the operation of the Bill not just penal but also educational.

More words than I would have thought necessary have been used in the drafting of the amendment, but I bow to the people who know more about that matter than I. The amendment simply means that a person who has a complaint against the attitude of some other person will be able to submit his complaint for examination. If there is substance in the complaint, people well qualified to consider such matters will be able to decide without difficulty whether a prosecution should proceed. If there is any doubt, they will be able to have a discussion with the complainant and the person against whom the complaint is made.

I cannot agree with the Attorney-General's statement that the amendment will make the Bill inoperative, nor do I believe that he means that. If the number of complaints are as few as he suggests, why not provide for them to be dealt with in this manner? When human relationships are involved to the extent that they are in this legislaion, why should we not interpose a stage before court action? The amendment would keep the parties at arm's length until each understood the attitude of the other and perhaps cooled off. There can be nothing worse than an unsuccessful party to a court action leaving the court

a bitter man but not a better man, and the circumstances in which this arises should be avoided.

I ask members to assume a case where a person of Aboriginal blood places before a police officer a complaint against the proprietor of the local picture theatre. If the police officer considers that there is substance in the complaint, he may place the matter before the court, or the complainant himself may take the matter to court. Let us assume that on the bench will be not a person of Aboriginal blood but one or two white men, and that the person of Aboriginal blood does not succeed in his action for reasons that he does not understand. What will be the effect on that man?

Mr. Quirke: Black man's justice!

The Hon. G. G. PEARSON: Exactly. He will go away dissatisfied and disillusioned. By far the greater number of complaints will come from areas that are not as remote as has been suggested. It will not be a bad thing if time elapses before these matters are determined. The Committee has accepted the Bill and all the machinery will be operative. A little further consideration will help relationships between the parties, as I think the Attorney will agree. He has said that departmental officers and other people have unsuccessfully tried persuasion and conciliation.

Mr. Shannon: They have not had the power given by this Act.

The Hon. G. G. PEARSON: Exactly. If necessary, all parties can be informed that the Act is on the Statute Book and that penalties are provided. The Act will be behind the persuasion. In those circumstances, it would be desirable to impose provision for a little conciliation and discussion. I am sure that, with the power of the Act behind it, the committee could no nothing but good. I do not endavour to discount the Attorney-General's profoundness, and I ask him to accept the same sincerity from me. I consider that the amendment will have a good effect on the measure.

The Hon. D. A. DUNSTAN: I regret having to rise on a point of order. However, as I understand the amendment, it sets up a statutory committee with perpetual succession and a common seal. Since the members must be appointed by the Governor, the committee must be involved in Government expenditure.

Mr. Millhouse: There is no provision for expenditure.

The Hon. D. A. DUNSTAN: There is not, but I do not know how in the world the committee could buy even a common seal without it. In those circumstances, inevitably this amendment means Governmental expenditure, even though it has not been provided for. Consequently, it cannot be introduced in this way.

The CHAIRMAN: I think the situation is covered by Standing Orders 283 and 418. Standing Order 283 says that money Bills shall be founded upon a resolution of a Committee of the whole House, while the heading of Standing Order 418 states: "Amendment to increase taxation to be moved only by Minister". There is nothing in the amendment that refers to a resolution concerning money or taxation. Therefore, I rule that the amendment is in order; it is in the hands of the Committee.

The Hon. D. A. DUNSTAN: In that case, shortly, it seems to me that a committee of this kind for the purpose that the honourable member has in mind will be impossibly cumbersome; it will not have the effect that he desires. Approaches to conciliation can be made in the case of Aboriginal people by the local Aborigines' organizations or by departmental officers; in the case of other people, by the Good Neighbour Council, the Country Women's Association or the National Council of Women.

The Hon. G. G. Pearson: But they have no statutory powers to act.

The Hon. D. A. DUNSTAN: I know, but I think the aim of the honourable member can easily be accomplished by providing that a prosecution shall take place only upon the certificate of the Attorney-General. This is a common feature of a number of measures on the Statute Book. It would provide that the Attorney-General would, in effect, see to it that measures for conciliation would be taken beforehand, and that a prosecution would be launched only if somebody was recalcitrant in the matter. That would cover the object of this extremely cumbersome administrative structure that the honourable member proposes. If he would propose such an amendment, I should be prepared to accept it.

Mr. MILLHOUSE: I do not know what the member for Flinders thinks about that. It has some merit but does not go to the whole

object that the honourable member has in mind, which is to inject an element of conciliation into a situation that has arisen. I point out to the Attorney-General that over and over again in his reply to the second reading debate he used the words "deeply hurt". This merely underlines the fact that situations that can, unhappily, arise are fraught with emotion all the time and that is the sort of situation in which conciliation should be tried. This amendment is adopting the honourable gentleman's own points. These are not straight-out matters that can be cured, as a dispute under the Abattoirs Act can be, by going to court: these are human problems. Heaven knows—and he ought to know this as well—human problems are not simple ones that can be solved and cured by going to law. This surely is something that the Attorney-General will acknowledge. Some sort of a body (I am reading the mind of the member for Flinders on this) should be put between the circumstances that give rise to a complaint, and a prosecution. A prosecution only on the certificate of the Attorney-General will do something to slow down the process and to see that another mind is brought to bear on it, but it will not of itself inject any element of conciliation into this problem.

It may be that the arrangements set out in this proposed new clause and in the subsequent one to be moved are not as simple and effective as they could be, but surely to goodness, adopting the Attorney-General's own arguments that these are human situations where human emotions are involved, it would be worth while at least looking at this amendment to see whether or not the Attorney-General could improve on it and make it less cumbersome, at the same time accepting the principle of conciliation that the member for Flinders has embodied in the amendment—because this is the big point. It is a far bigger point than the one the Attorney-General is prepared to concede or that he suggests—that a prosecution should be only on the certificate of the Attorney-General. I hope he will look at this to see whether or not it is possible to do as has been done in Great Britain, even though the circumstances there are, I admit, vastly different. This principle could well be incorporated, in the circumstances.

The Hon. D. A. DUNSTAN: I appreciate the view of the honourable member but I think his object can be accomplished in the amendment that I suggested to the Committee earlier. If the honourable member is prepared to withdraw his amendment, I am prepared to move an amendment that I think will meet the situation.

The Hon. G. G. PEARSON: If the Minister is prepared to move his amendment, I am prepared to withdraw mine.

Leave granted; amendment withdrawn.

Clause 9—"Summary procedure"—reconsidered.

The Hon. D. A. DUNSTAN moved:

Before "Proceeding" to insert "(1)"; and to insert the following new subclause:

(2) Proceedings for offences against this Act shall be taken only upon the certificate of the Attorney-General.

Mr. QUIRKE: Whilst I can be in accord with this to some degree, it does not remove all the objections that I have to this Bill. Speaking as a voice of the eternally damned or the Attorney-damned, I am not at all repentant about taking the action I am taking. This amendment will not improve the Bill to any great extent. It will make it probably a little more plausible but no more workable. That is my view of it. It is better than nothing at all. However, I still do not intend to support it.

Amendment carried; clause as amended passed.

Title passed.

The Hon. D. A. DUNSTAN (Attorney-General) moved:

That this Bill be now read a third time.

Mr. NANKIVELL (Albert): When I spoke to the second reading, I said that I objected to the Bill as introduced; I had certain reservations that I did not think would be overcome. Having had an amendment accepted and having had certain of my objections overcome in some measure, I would like to say that I support not only the principle but this Bill.

Mr. QUIRKE (Burra): During the previous debate, certain objections were raised to what I had to say on the matter. I think that, of all that has been said in this place, the greatest support for the Aboriginal people has been given by me. The Attorney-General misrepresented what I had to say, for which I am not very forgiving.

The SPEAKER: The honourable member may not reply to debates that took place in Committee. The third reading debate is limited to the Bill as it emerges from Committee.

Mr. QUIRKE: Thanking you for your leniency, Mr. Speaker, I oppose the third reading.

Bill read a third time and passed.

STATE LOTTERIES BILL.

The Legislative Council intimated that it did not insist on its amendments Nos. 1 and 2, that it had agreed to the amendment made in lieu thereof by the House of Assembly, and that it had agreed to the consequential amendment made by the House of Assembly in respect of its amendment No. 3.

REGISTRATION OF DOGS ACT AMENDMENT BILL.

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

ADJOURNMENT.

At 10.26 p.m. the House adjourned until Thursday, October 27, at 2 p.m.