HOUSE OF ASSEMBLY

Wednesday 30 November 1983

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

PETITION: ELECTRICITY TARIFFS

A petition signed by 1 486 residents of South Australia praying that the House urge the Government not to further increase electricity tariffs was presented by Mr Olsen.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions without notice and questions asked in Estimates Committee B as detailed in the schedule that I now table be distributed and printed in *Hansard*:.

CRIME WATCH SCHEME

In reply to **Mr HAMILTON** (17 November).

The Hon. G.F. KENEALLY: As a result of his recent overseas study, the Commissioner of Police will soon make proposals for a wide range of community policing and crime-prevention initiatives. Ideas such as Neighbourhood Watch will be included in those proposals.

INTELLECTUALLY DISABLED

In reply to **Mr ASHENDEN** (22 September).

The Hon. G.F. KENEALLY: The Intellectually Disabled Services Council is incorporated under the South Australian Health Commission Act, and is subject to the same monitoring and administrative relationships which apply to all other incorporated units.

The Chief Executive Officer of the council can and does discuss matters of importance with the Minister of Health on frequent occasions, and my colleague has made it his business to meet with the board of management of the council and with as many members of the staff as possible. The honourable member will realise that it is not possible for a Minister to accept detailed administrative responsibility for all units incorporated under the South Australian Health Commission Act, and it is necessary to make suitable arrangements within the Health Commission for that purpose.

The Minister of Health believes that the arrangements established are satisfactory and are working to the positive benefit of the I.D.S.C. and of intellectually handicapped people in South Australia. The honourable member will know that significant new funds have been made available to the I.D.S.C. in 1982-83 and in 1983-84 (in 1982-83 new funds amounted to $1.15 million and in 1983-84 the new funds were $1 million). This has been achieved within an overall Health Commission standstill allocation from the Treasury, and is a graphic indication of the importance and priority placed by the Minister and the Health Commission on services for intellectually handicapped people.

TOURISM FOR THE AGED

In reply to **Hon. JENNIFER ADAMSON** (22 September).

The Hon. G.F. KENEALLY: The honourable member asked whether I would investigate the possibility of the Department of Tourism conducting a survey into the needs and preferences of people over 60 years of age in regard to travel and tourism. In fact, the department has commenced such work in relation to those persons aged over 55.

The over 55s is a very important subgroup of the tourism market, and indeed a subgroup that is expected to grow at a faster rate than the market as a whole. In 1981, 20.5 per cent of South Australia's population was aged over 55. By the year 2011 this is expected to rise to 26 per cent.

Some preliminary research has been undertaken by the Department of Tourism to ascertain the characteristics and holiday needs of this market. In early 1983 the Department sponsored a research thesis undertaken by a student of the Master of Business Administration Course at the University of Adelaide. The thesis included a programme of group discussions with 40 individuals aged between 55 and 75. A major conclusion of the research was the diversity of needs within the market, and consequently the need to approach each market group in a different way.

As a result of the research, the Department has commenced discussions with the South Australian Council on the Ageing with the specific objective of providing the opportunity for South Australian seniors to undertake tours in the State during the sesquicentenary year. Although the research carried out provides a good base for decision making it is anticipated that further surveys may be carried out later.

TOURISM PROMOTERS

In reply to **Mr BECKER** (11 September).

The Hon. G.F. KENEALLY: The Department of Tourism has always provided material on request for South Australians to take overseas. Following the release of the excellent publication 'Many Worlds of South Australia', copies were made available to overseas travellers along with the pictorial 'State Tourism Map'. Both were acclaimed as leaders in promotion of a State of Australia.

'Many Worlds of South Australia' is now being upgraded and reprinted, and when it is available I propose to have available a kit with 'Many Worlds of South Australia' as the main content. The kit will be available early in the new year for ambassadors to take overseas. For the first year the Department of Tourism will monitor its usage, as previous experience has shown that these types of activities can be costly. The kit will contain:

The replacement of 'Many Worlds of South Australia'.
State Tourism Map.
South Australian Holiday Ideas.
South Australia 'Enjoy' Badges.

The material will be enclosed in a light-weight pack to help keep the weight of material down. If additional relevant material is produced it will be included as a matter of course.

MINISTER'S STAFFING

(Estimates Committee B)

In reply to **Hon. TED CHAPMAN** (6 October).

The Hon. LYNN ARNOLD: It is difficult to directly compare the 1982-83 and 1983-84 running costs of the office of the Minister of Agriculture. As the honourable member is aware, he was Minister for part of 1982-83 and, at the time, had three Ministerial appointees in his office. My colleague, on the other hand, has two such appointees. However, the number of public servants in the office remains unchanged from the honourable member's time. In the matter of office operating costs the allocation for 1982-83

was underestimated for a variety of reasons that could not be predicted. The amount placed on the Estimates was $23 000, and final expenditure was $38 245. Given this background the figures sought by the honourable member are:

1982-83 (Actual)	1983-84 (Estimated)
Salaries $200 361	Salaries $202 000
Operating Costs $38 245	Operating Costs $30 000

Personnel

Ministerial appointees	2
Public servants	6

WINES

In reply to **Hon. TED CHAPMAN** (6 October).

The Hon. LYNN ARNOLD: The Chairman of Australian National has informed the Minister of Agriculture that the allegation that Western Australian wines are served on this service at the exclusion of South Australian wines is not correct; however, a very limited amount of Western Australian burgundy and rosé is served. During the past financial year red and white burgundy purchases from this source totalled 100 dozen bottles, whilst only 10 dozen bottles of rosé were purchased for use on our passenger services including the Ghan, Trans Australian, and Indian Pacific trains. Western Australian purchases represented 15 per cent of wines purchased by Australian National for the three services.

It will be appreciated that, because of the very limited storage space available in dining cars, the selection of wines, spirits, and ales must, of necessity, be confined to the types most regularly requested by our passengers, and to enable maximum use of the storage available it is necessary to purchase stock in 375 ml bottles. The two types mentioned above are not available from South Australian suppliers in this size bottle.

From the foregoing it will be seen that only a limited amount of Western Australian burgundy and rosé is served on the Ghan, whilst all other wines served are South Australian produced wines. A mixture of Western Australian, New South Wales, and South Australian wines is served on Indian Pacific services, whilst on the Trans Australian services the wines are predominantly South Australian supplemented by Western Australian manufacturers. This arrangement is necessary because of the joint ownership of the trains, and the need to replenish stocks at Sydney, Port Pirie, and Perth.

C.F.S. FUNDING

In reply to **Hon. TED CHAPMAN** (6 October).

The Hon. LYNN ARNOLD: The total C.F.S. budget of $3.885 million is funded by a Government allocation of $1.876 million, a matching insurance industry contribution, and $133 000 operating receipts generated by C.F.S. Headquarters. The following is a breakdown of funding sought by the C.F.S. Board and the Treasurer's allocation:

	Funds sought $	Funds allocated $
Salaries and wages	1 186 000	1 065 100
Board fees and expenses	37 000	37 000
Consultancy study	60 000	35 000
Administration expenses	403 100	426 500
Plant and equipment	482 500	378 900
Fire operations	375 000	60 000
Research section	54 500	46 000
Publicity	86 500	69 500
Subsidies	1 800 000	1 580 000
Loan repayment	140 000	80 000
Training costs	122 000	107 000
Total	4 746 600	3 885 000

Difference between requested and allocated $861 000.

The Treasurer considered that given the tight budget situation, any proposals not funded in the 1983-84 allocation should be reassessed by the C.F.S. board and, if of sufficiently high priority, financed by a reallocation of existing resources. In the main these proposals were:

	$	$
Additional staff		147 000
Travelling expenses		7 000
Plant and equipment		136 000
Fire operations—		
Aerial suppression	300 000	
Prototype fire appliance build up	15 000	315 000
Technical manual		15 000
Publicity and public relations		17 000
Subsidies		220 000

PAPER TABLED

The following paper was laid on the table:

By the Minister of Education (Hon. Lynn Arnold):

By Command—

Advisory Committee on Non-Government Schools—Recommendations on Funding for 1984.

QUESTION TIME

LIQUOR LICENCE FEES

Mr OLSEN: Will the Premier give an assurance that the review he has ordered into increased liquor licence fees will be completed in time to allow him to report on it to this House before it rises for Christmas? When he announced this tax increase in August the Premier said that beer, wine, and spirit prices would have to rise from 1 January 1984 so that hoteliers could pay the higher licence fees operative from 1 April.

However, in a question on 15 November, I raised difficulties which the industry is facing because of these higher fees and the increase in Federal excise on beer and wine. The increased Federal excise means the amount of revenue the State Government will generate from the higher licence fees could be $4 million more than the Premier initially estimated.

In response to my question, the Premier said that he was having the matter reviewed, and that there could be a case for adjusting the higher licence fees to ensure that the impact on the hotel industry was reduced. That review has now been under way for at least a fortnight, and the Premier should be in a position to announce the outcome before Parliament rises next week. This will be particularly important because the House is not due to sit again for another three months, while the impact of the higher licence fees will be felt by wine, beer, and spirit consumers from 1 January next.

The Hon. J.C. BANNON: No, I cannot give such an assurance. The investigation is going on in the Treasury at present, but there are other matters with which the Government is also dealing. The preliminary advice to me suggests that the calculation on tax yield contained in the Budget papers, certainly in the early stages of operation of that fee, will not be affected by any Commonwealth excise impositions.

However, I have not seen the detailed working of those figures and that work has not been completed. Also, the A.H.A. submission, to which we are responding, raised

implications and references to the way in which the liquor licence fee was applied, and that, in turn, has raised questions of possibilities of avoidance. There is a whole number of complex and inter-related matters being studied. Although we are getting on with it rapidly, I cannot give any specific time as to when a report will be given.

I point out that the payment of these fees does not take place until 1 April. I would hope that, whether or not an adjustment is made through changes of the legislation or by some other means, we will ensure that what is appropriate is done. I can only say at this stage that we are getting on with the report. I am not sure when it will be ready, but I will not be attempting to rush through legislation on this matter.

SUMMONSES

Mr FERGUSON: Will the Minister of Community Welfare ask the Attorney-General to investigate a way of preventing wrongful distribution of summonses by legal firms? Recently, two of my constituents have wrongfully been served with summonses by legal firms seeking costs involved in legal action relating to motor car accidents, in the first instance, and court costs, in the second instance.

Summonses were issued to my constituents by post and their names taken from the electoral roll. In each instance my constituents were not connected with the disputes in any way: the only connection was that they had names similar to the people involved in the original disputes. My constituents have had difficulty and have incurred expenses in disowning the summonses and in having their names expunged from the records. As a member of Parliament representing these constituents, I believe that nobody should be put to undue expense and wasted time and effort because of the mistakes of a sloppily researched presentation of summonses. My constituents believe they should be reimbursed for the time and expense of having their names expunged from court lists and other activities involved.

The Hon. G.J. CRAFTER: I will refer the question to my colleague, but the honourable member might like to advise his constituents in the meantime to seek legal advice because, as I understand it, remedies are available to them in these circumstances.

CANEGRASS SWAMP

The Hon. E.R. GOLDSWORTHY: Will the Premier review his decision of yesterday not to have an Auditor-General's inquiry into the allocation of Government funds to a group of Aborigines involved in activities at Canegrass Swamp? In response to questions yesterday about the use of $700 of Government funds to purchase supplies at Andamooka for Aborigines involved in activities at Canegrass Swamp, the Premier and the Minister for Environment and Planning both said that those activities did not amount to a demonstration. The Premier said, 'It is nonsense to talk about a demonstration.' However, it is the Premier who was talking nonsense. In today's *Australian,* Mrs Betty Dohnt, a spokesperson for the Kokatha Peoples Committee, is quoted as saying that the Aborigines involved had formed the core group of the protest action at Canegrass Swamp. The fact that these funds were spent on 5 August—the day the blockade began at Canegrass Swamp—further confirms that taxpayers' money has been used in this case to support a demonstration. As this amounts to an unprecedented use of taxpayers' money, there should be an immediate investigation by the Auditor-General.

The Hon. J.C. BANNON: The answer is 'No, I will not reconsider—

Mr Olsen interjecting:

The Hon. J.C. BANNON: That is quite pathetic. The Leader seems intent on not having the question answered. However, I will answer the Deputy Leader's question. No, I do not intend to review my decision. An explanation of this matter was given precisely, and I thought accurately, by the Minister for Environment and Planning. At the time that group of people was engaged in a consultation process aimed at getting some settlement of the issue. I might draw an analogy between that $700 and the $22 000 spent by the previous Government when the Pitjantjatjara people came down and went to Victoria Park racecourse. I do not think that that was specifically referred to the Auditor-General, nor do I think this case should be.

OLYMPIC GAMES 1980

Ms LENEHAN: Is the Minister of Recreation and Sport aware of allegations that certain athletes received a monetary consideration not to attend and participate in the Olympic Games in Moscow in 1980? Could this situation be repeated in South Australia through the Department of Recreation and Sport?

Members interjecting:

Ms LENEHAN: I find it quite amazing that the Opposition thinks this is amusing. It is an extremely serious matter.

The SPEAKER: Order! The Chair will determine whether this was obviously quite blatantly comment. I was about to direct the honourable member accordingly. I call on the Minister of Recreation and Sport.

The Hon. J.W. SLATER: Yes, I am aware of the allegations, and I believe that they are more than allegations. It does not surprise me that the Opposition should be rather uneasy about this matter, because I recall the controversy that existed all over Australia in 1980. The Federal Government really put pressure on the Olympic Federation, groups, sporting organisations, and individual athletes not to compete in the Olympic Games.

Indeed, that attitude was condoned by the then State Government, by the Premier and then Minister of Recreation and Sport (the member for Torrens), who both withdrew from the South Australian Olympic Council fund-raising operation. The Minister is nodding his head in assent. It was the shoddiest thing that I have ever heard that people should be paid not to compete in sport. To the everlasting credit of those persons who participated for Australia in those Olympic Games, it showed quite honestly that the decision taken by the Olympic Federation was correct, and that Fraser and the State Government were wrong in condoning that action. It has only been revealed in the past few weeks. We all knew about the Government's participation in this matter, because the Federal Budget showed that it paid $500 000 to several sporting organisations to enable them to have alternative competitions, which never took place.

I believe that the Federal Minister for Home Affairs, Mr Cohen, has called for an examination and explanation of the whole episode. Certainly, it would not happen now in South Australia because all grants given to sporting organisations are accounted for. As the previous Minister would know, we get audited accounts and receipts for any donation or grant we make to an organisation in this State. I deplore the whole situation, which is probably the most despicable thing I have ever heard: paying people not to compete for their country in international competition.

CANEGRASS SWAMP

Mr GUNN: After that outburst I will endeavour to ask a question of the Minister for Environment and Planning. When was the Government asked to provide funds to support the Aboriginal groups involved in activities at Canegrass Swamp? Who made the request, and did the Minister give his approval for use of Department funds before or after they were spent at Andamooka on 5 August? I have been told that the Aborigines who received these funds were representatives of the Kokatha Peoples Committee and the National Federation of Land Councils based in the Northern Territory.

Both these organisations were quoted widely in media reports at the time these funds were spent about their plans to mount a blockade at Canegrass Swamp. However, in those reports, there was no reference to these organisations being at Canegrass Swamp to negotiate or consult with the Government, as the Premier and the Minister suggested yesterday was their purpose. On 6 August the *Advertiser* reported as follows:

> Aboriginal groups have set up a protest camp on the road about 50 kilometres north of the Roxby Downs-Olympic Dam site and say they will stay put until the road is realigned to by-pass the swamp which, they say, is a sacred site.

As I pointed out to the House yesterday, that report also referred to two observers at the site who had been sent by the Minister to 'keep an eye on proceedings'. Obviously, the purpose of the Aborigines in being at Canegrass Swamp on 5 August was to mount a protest—not to consult with the Government. In view of the misleading answers given yesterday, I seek further information from the Minister on how these funds were applied for, and when he approved of their use in this way.

The Hon. D.J. HOPGOOD: Well, Mr Speaker, the member really amazes me. We have just heard in the House about $6 000 being paid to athletes of European descent not to compete in the Olympics. Now this Government, as part of a consultative process, paid $700 to 40 Aborigines, which is $17.50 a head, and suddenly we have what the Opposition would want to elevate to some sort of Kokatha-gate scandal on our hands. In order that the honourable member can be perfectly satisfied as to actions in this matter I think that it is necessary that I take a little of the House's time to detail exactly what happened in this situation.

On 28 June my colleague, the Minister of Mines and Energy, approved the construction of a water haulage road from Borefield 8 to the Olympic Dam site. On 8 July, Roxby Management Services advised the Minister for Environment and Planning that it was in a position to commence construction of the road the following week. The Kokatha Peoples Council advised that it was planning to survey the proposed road in the week commencing 1 July this year. On 14 July the survey was completed, and the results were conveyed to Roxby Management Services. Ten areas of anthropological significance were identified.

On 15 July it was agreed that R.M.S. and members of the K.P.C. would meet on site the following week to discuss what action could be taken to avoid the areas of significance to K.P.C. when constructing the roads. Officers of my Department agreed to attend in order to facilitate the process of negotiation: they were not simply passive observers. I accept that the Opposition yesterday, in quoting newspaper articles, was misled by those newspaper articles. The parties met on site on 19 July, and road construction commenced. On 27 July the incident to which I referred yesterday occurred when an alleged sacred site was bulldozed in the absence of Aboriginal representatives. R.M.S. officers flew to Olympic Dam from Adelaide to discuss the situation with their engineers.

An agreed position was reached on all remaining areas except the most northern one, known as Canegrass Swamp. The Aboriginal party regarded this area as the most significant on the route and requested a deviation around the area, either to the east or west. Negotiations began on site between the parties, including Government officers, regarding ways to resolve this position. A large number of Aboriginal representatives had gathered at the site and were involved in these discussions. Departmental officers at Roxby Downs informed me that representatives of the Kokatha Peoples Council, R.M.S., and the South Australian Department of Environment and Planning were continuing on-site meetings at the Canegrass Swamp area on 4 and 5 August.

I was informed that the parties endeavoured to negotiate a satisfactory route for the road in this vicinity. I released a statement to this effect and said that the South Australian Government supported this approach on the basis that on the spot negotiation with the parties affected was the most promising means of achieving a resolution. It was during this negotiation process and prior to any blockade of the road that authorisation was given to the Andamooka store for the expenditure by the Aborigines of $700 on food and fuel. About 40 Aborigines were involved, and all were helping in negotiations regarding the road.

APPRENTICE TRAINING

Mr MAX BROWN: Will the Deputy Premier say whether the Government intends to examine the possibility of training a further 50 apprentices in 1984, as was done this year, when 50 Government apprentices were recruited on a State basis and began their training with B.H.P. in Whyalla? I believe that the Government should be commended on establishing this scheme, which I believe has been a huge success. I know from personal experience of boys in my district who have obtained apprenticeships and who otherwise would have been on the dole. I am hopeful also that the scheme might encourage other employers either to employ apprentices, which they have not done in the past, or employ more apprentices in 1984 than normally they might have done. I would also point out that, if there was a fault in the scheme, it might easily have been in the lateness of beginning the recruitment of the proposed apprentices, so hopefully, if the Government is to consider expanding the scheme, a decision might be made soon.

The Hon. J.D. WRIGHT: I will answer the honourable member's last point first, to clear up the situation in regard to the timing of the implementation of the scheme. I would like members to cast their minds back to the fact that I made assurances or gave promises that on election the Government immediately would move to take on an additional (and that word is very important) 50 apprentices with the normal intake, which had been decided at that time. From memory, the election was on 6 November and before one could implement that particular policy, some time lag had to occur. It was just not possible, after being elected at that stage, to have had those apprentices installed any earlier than we did, so I think that that answers the honourable member's criticism in relation to the scheme being commenced a little later than the normal intake of apprentices occurred.

As I said, this was an election policy in the first place, and it was my intention originally to request departments to absorb those 50 apprentices around the metropolitan area of Adelaide. After I thought about that, I realised that the opportunity was restricted virtually to metropolitan area people, unless country people were prepared to move. Then B.H.P. asked for a delegation to me regarding some surplus area which it had available and which it used to train its

own apprentices. I looked at this area and sent officers to look at it.

I want to place on record my commendation of B.H.P. in the way it handles these apprenticeships. I believe that B.H.P. is probably one of the best employers in South Australia in relation to the equipment and area it provides, the manner of training, the manner of supervision, and so forth, in relation to apprentices, which is terribly important in the initial stages. However, one must remember that B.H.P. was offering facilities only: it was not offering to apprentice any more employees than it had, because it had its full requirement, and the facilities were able to be filled if the Government was interested.

I considered the idea of the 50 apprentices being attached to Government departments for the first year and, in any case, in Whyalla, and I put that proposition to B.H.P. The method that we adopted was to try to ensure that some country apprentices (male and female) had the opportunity to be trained in Whyalla, as well as possible apprentice nominees for the metropolitan area. It worked out very well because we were able to provide employment for some youths who would not have had employment in any circumstances in Whyalla, Port Augusta or those areas, and some city people were transferred to it.

As the honourable member has mentioned, the scheme has worked exceptionally well. The turnover rate has been very small. B.H.P. has had little, if any, cause for concern, and has complimented the Department on the ability of the people selected. The scheme is coming to its conclusion for this year. Next year those lads and a woman (I think one woman finally saw the scheme out) will be transferred to Government departments in Adelaide. At this stage I am in the process of determining whether or not the Government will be in a position to conduct the scheme again next year. No political promise was made before the last election about this matter: I merely said that a Labor Government would conduct a scheme during the first year after its election.

I take on board the honourable member's suggestion, and I commend him on his interest in this. Obviously, as the member for Whyalla he would be interested in and familiar with the scheme. What the Government can do as far as finance for a similar scheme is concerned will be considered. It depends, of course, on whether next year B.H.P. will be able to make premises available to us. I am pretty sure that it will, because I do not think its intake will be commensurate with the area it has available. The Government is looking at the proposition referred to by the honourable member, and that I will make an official announcement later.

RAILWAY STATION REDEVELOPMENT

The Hon. MICHAEL WILSON: Does the document that the Premier signed in Tokyo in connection with the railway station development bind the Government, Kumagai Gumi and the South Australian Superannuation Fund to proceed with that project, and, if not, when will such a binding agreement be signed? While the Premier in all his public statements on this matter has emphasised that he has signed an agreement which will clear the way for the project, I understand that the document he actually signed in Tokyo was headed, 'Principles for agreement'. I have also been told that yesterday the Director of the Department of Tourism (Mr Inns) told the Adelaide City Council that no formal agreement had yet been signed for the project. It is important for the Premier to clarify this matter, because I understand that he said in a public statement yesterday that the site works on the project would begin in January.

The Hon. J.C. BANNON: I can assure the honourable member that the project is proceeding in accordance with the agreement that was signed and that, despite the best hopes of the Opposition, we will in fact have a project here in Adelaide.

Members interjecting:

The Hon. J.C. BANNON: I know there is a bit of an attempt going on to undermine and kill this off. I know also that there are certain people out there in the City of Adelaide who are sour grapes about this project, but I would suggest that the Opposition remain quiet about this project if it does not have anything good to say about it and let those who are conducting it get on with the job. The fact is that the planning is proceeding in accordance with the principles of agreement which have been arrived at and, in fact, the design work is under way. My reference yesterday was to the preliminary work involved in relocating the railway lines as part of the project, which will be undertaken as a preliminary to site works on the project itself which, under the agreement, is contemplated to start prior to July 1984. I think we will find that there will be steady progress in accordance with the terms of the agreement that has been signed.

Members interjecting:

The SPEAKER: Order! The honourable member for Peake.

AUSTRALIAN SOCIETY OF SPORTS ADMINISTRATORS

Mr PLUNKETT: Will the Minister of Recreation and Sport inform the House whether there is a move to form a national society for sports administrators? If so, are the Minister and his Department involved in assisting this movement?

The Hon. J.W. SLATER: I am happy to provide the information requested by the member for Peake. Last week a meeting was held in Adelaide at which the South Australian chapter of the Australian Society of Sports Administrators was established. The chapter comprises a committee, which will nominate a representative to the national body to put the views of its members and help formulate a policy for the society. A special general meeting will be held in Melbourne for charter members on Wednesday 14 December 1983.

The society has a number of praiseworthy objectives, and I would like to mention only a few of them:

1. To develop, encourage and preserve the practice of high standards of professional integrity among sports administrators.

2. To recognise, promote and protect the welfare, interests and professional standards of persons engaged in the administration of sports associations.

3. To serve the community by promoting the arts and sciences of sports administration.

At this stage my Department is not involved with the establishment of this society, although a senior recreation and sports development officer, Mr Rod Said, organised and convened last week's inaugural meeting in a private capacity. I believe that this is a splendid initiative taken by sports administrators which will benefit not only them but also the whole community. I also believe that it will be a successful movement, and as Minister I am not only interested in the society's development but will be most happy to consider assisting the chapter once it is established.

RUNDLE MALL

The Hon. B.C. EASTICK: Will the Minister of Local Government give an assurance that the Government will

not take over management of the Rundle Mall and, if not, what plans does the Government have in this regard? I believe that the Minister has received a report from his Department on the management of Rundle Mall and that one of the options in the report is that the Government take over the running of the Mall, an option which I understand the Minister favours. However, I have been informed of widespread concern by the Rundle Mall traders and the Adelaide City Council, particularly because they have not been consulted about the Government's intentions.

The Hon. T.H. HEMMINGS: I think that this question, along with the question asked yesterday and the way the member for Light spoke on the Bill to repeal Parts IXA and IXAA of the Act, has demonstrated that he is not just the shadow Minister of Local Government but is also the advocate for the Adelaide City Council. I think he has proved time and time again that he is not interested in local government in the rest of the State: he is interested merely in promoting the Adelaide City Council. So be it; if he wants to do that, that is his prerogative. The report on the Rundle Street Mall Act is on my desk. I am considering it, and if I decide that I want to amend the Act I will consult with the Adelaide City Council.

SUMMONSES

Mr HAMILTON: My question to the Minister of Community Welfare, representing the Attorney-General, is subsequent to the question asked by the member for Henley Beach. Can the Minister advise what is the proper procedure for the serving of summonses upon residents in South Australia? Yesterday a constituent well known to me who is a hard-working small business man approached me expressing his hostility and anger at a recent judgment handed down in the Local Court. He advised me that a judgment amounting to about $400 had been awarded against him for the non-payment of a contract into which he had entered with an electrical firm. My constituent advised me that a summons was apparently served on a person who was allegedly in his (my constituent's) front garden at the time the officer in question entered that property to serve the summons. The person to whom the summons was handed is still unknown, and subsequently my constituent did not appear in court to answer the summons. My constituent was threatened with bankruptcy action against his business for non-payment of the sum awarded against him in the judgment, of which he was unaware.

The Hon. G.J. CRAFTER: I will ask the Attorney-General to provide the honourable member with a statement of the circumstances whereby summonses are served—

The SPEAKER: Order! The member for Ascot Park is definitely out of order.

The Hon. G.J. CRAFTER: —whether by post or by a person in circumstances where both those circumstances may take place.

RAILWAY STATION REDEVELOPMENT

The Hon. D.C. WOTTON: I address my question to the Premier. If the principles for agreement for the railway station development have been signed, has the Government agreed not to assist in any way with the erection of another international standard hotel in South Australia before the year 1990 and, if so, why? In asking the question I am rather concerned that, if such a clause has been included in the principles for agreement, the Government will not be able to give either direct or indirect help to the establishment of a major hotel in Adelaide or any regional area such as the Riverland, the Barossa Valley, the South-East or Port Lincoln for at least seven years.

The Hon. J.C. BANNON: Yes, one of the terms is that the Government will not be providing special assistance to another international hotel within that time span. In view of the comments made by some members of the Opposition that this project is going to be a failure, as they try to heap as much cold water and lack of confidence on it as possible, they are probably grateful that there is that safeguard. I thank the honourable member for raising the issue. It is a very sensible provision in that the Government very much wants this project to go ahead and is involved to that extent. It is a massive project and involves a very large investment commitment. It is only reasonable and prudent in those circumstances to say that, as we already have a number of fine hotels in this city, and as we are going to add another 400 rooms to international hotel space, there shall be no special assistance for yet another hotel within that time.

Of course, it does not prevent anyone from embarking on a commercial proposition under the normal terms and conditions. Indeed, I would hope that, if in fact this convention centre project proves successful (as I am sure it will), the demand will rapidly increase and we will find that even that large accretion of hotel stock in Adelaide will in fact be inadequate for the tourist boom that we will have. That will be a marvellous situation, and hoteliers will not then need assistance in the short time span through to 1990, although I am not sure whether that date stated by the honourable member is correct.

SOUTH AUSTRALIAN CREATIVE WORKSHOP

Mr MAYES: Will the Premier, as Minister for the Arts, report to the House developments proposed by his Department for the future of the South Australian Creative Workshop based in the Unley council area? That creative workshop covers a number of organisations which provide a valuable service and function to the Unley and broader metropolitan areas, including the Unley Theatre, which offers training and creative ground for young people to get exposure to the arts and theatre. The Community Arts Theatre provides a service to the whole State as does the Phoenix Youth Theatre. They have performed a valuable service over the years and need a great deal of support from the community.

The Hon. J.C. BANNON: I certainly agree with the honourable member that they have performed a valuable function and made a considerable contribution to the arts and creative activity in the State generally, particularly in the District of Unley, during the period of the operation of the South Australian Creative Workshop. The Government has given assistance to that umbrella organisation. Future plans are for that organisation effectively to go out of existence, but the various components of it will not. The Community Arts Theatre will be moving into broader theatre in the education area under the aegis of the Education Department.

Already we are Australian leaders in the field of arts in education through Carclew and the Education Department's activities, and we intend to maintain that leadership. Indeed, when in 1985 the International Year of Youth is being celebrated South Australia will be a special focus for youth activities in the arts, particularly through the Come-out Festival, which we hope will be raised to national if not international status in that year, and also the other activities that have been sponsored.

The Unley Youth Theatre, as the honourable member said, has performed a valuable task as a training workshop for young people who aspire to careers or involvement in the lively arts. Again, the intention is not that that enterprise

will wither or fade away, but in fact will be strengthened, in this case by joining in with the activities of the Troupe Theatre Company. This is one of the alternative theatre companies which first got Government assistance in 1978-79 under the Government policy to encourage alternative theatre. Troupe has, in fact, an international reputation and has performed overseas. Much of its work is locally written. It has provided, in other words, an outlet not only for actors, performers and designers but also for writers, which is a very important part of the total theatrical enterprise. Its reputation and standing have resulted in support from the Australia Council, State Government and local government sources as well as private sponsors.

The Unley Youth Theatre will be able to get the benefit, I think, of a close association with that company: it will be to their mutual benefit and I think will strengthen the particular enterprise. So, the honourable member should have no fear that the very lively arts activities that have been centred in his electorate will not be continued and stimulated over the next few years.

LIQUOR TAX

The Hon. JENNIFER ADAMSON: Will the Premier say by what means, other than amending the Licensing Act to reduce the percentage increase of liquor tax, the Government can reduce the impact of the 33 1/3 per cent increase in liquor licence fees effective from 1 April? In his reply to a question from the Leader the Premier referred to other means that could be employed to reduce the effect of the tax.

The Hon. J.C. BANNON: I am not prepared to canvass such options at this stage other than to say, as I said to the Leader, that until the matter has been thoroughly researched and I have had a full report on the submission of the Australian Hotels Association I am not prepared to announce any particular course of action. All I can repeat is that I am sensitive to the concerns of the liquor industry and I am giving the matter a very full investigation.

TAFE COLLEGES

Mrs APPLEBY: As fees are to be charged in TAFE colleges commencing next term, will the Minister of Education say whether any consideration was given to the cost of prescribed reading textbooks where unemployed or disadvantaged persons are concerned? Being involved with unemployed support groups, in particular mature age unemployed, it has been strongly put to me that in light of the fees to be charged, even though exemptions may apply at the discretion of the principal of the college, recipients of unemployment benefits wishing to use the service feel they are deterred from participating in improving and gaining new skills because of the high cost of the prescribed reading textbooks. I ask that consideration be given to my question on behalf of potential users of TAFE courses.

The Hon. LYNN ARNOLD: First, I assure the honourable member, in case she has the feeling that things have changed with regard to the cost of textbook materials for courses within TAFE for 1984 compared to 1983 or previously, that there have been no changes in the principles involved in the textbook charging arrangement. Indeed, financial support is made available for textbook materials, which is the same except for allowances made for cost of living increases. I am quite happy to provide the honourable member with a schedule of the support that is available regarding textbook materials within the Department of TAFE. The other point that needs to be made relates to the support that is available in terms of hardship or concession students.

Members will be aware that recently the Government examined the concession policy within TAFE. This has been a significant review, particularly with regard to stream six areas of study. While there has been a change in the policy, it will not mean any extra revenue for the Government. I think it is the attitude in the minds of some people, because of the stream six area and there is now to be a 25 per cent concession fee, that the Government is making money out of this whole exercise. In the past, given the revenue return required on TAFE courses, many eligible students were not able to take advantage of their concession status because they could not guarantee to the college a certain revenue on those courses. The only way they could gain entry on those courses was to forsake part or all of their concession privileges.

What concerns me is that in some cases potential concessionally eligible students were paying full fees for some courses in recent years: in other cases they paid a portion. I had the ludicrous situation brought to my attention concerning one course in one college in which three students, who were concessionally eligible, were all paying different fees. We have decided to rationalise that situation to try and guarantee access to more students who are concessionally eligible, and do it on a basic fee of 25 per cent. The revenue return to the Government will be no greater than is the present situation with the *ad hoc* situation which has operated in recent years. The suggestion that there may be a greater impost on these concessionally eligible students is not correct. It will be more equitable, except for those students—relatively fewer in recent years—who were paying no fees at all. Many concession students were already paying some form of fee or other.

The honourable member raised an interesting point, and that is what support could there be for text-book materials. I will undertake that the Department will investigate how we can enhance or extend the present arrangements that apply for the recirculation of second-hand text-book materials. These arrangements exist to some extent within the Department of TAFE and certainly within other educational institutions. There would be plenty of room for us to improve the scope of that kind of arrangement within the Department of TAFE.

With regard to the hardship provisions that are available, mention has been made of registration fees that will apply in TAFE colleges from next year, and the schedule of fees has already been announced. However, it still lies within the province of individual principals of community colleges to waive those fees if they deem that the person undertaking the course is unable financially to cope with them. I make the point strongly that, rather than being a deterrent, it is an assistance to those people. They can still do those courses, because in special financial circumstances those fees can be waived. In the case of other categories of students, they receive certain other benefits that provide for them to meet some of these fees. The text-book situation, in terms of the way that it will be handled in 1984, will be no different, except for various applicable amounts, from what has been the case in 1983 or in previous years.

ELECTRICITY TARIFFS

Mr MEIER: Can the Premier say whether the Government is considering extending the present pensioner electricity concessions to provide a rebate of 60 per cent of the annual electricity accounts? At present the Government offers a rebate of $50 a year for pensioners on their electricity accounts. I understand that the Premier has received sub-

missions from groups representing pensioners and other disadvantaged people complaining about the 25 per cent increase in electricity tariffs imposed in the past 12 months. Similar submissions have been received by the Opposition. It has been put to me that the value of the $50 rebate has been severely eroded because of the 25 per cent increase. These people are seeking a 60 per cent rebate of both electricity and gas accounts instead of the present $50 a year rebate.

The Hon. J.C. BANNON: I have already indicated that the Government has the whole question under review, and there are two aspects to it. One is that of electricity tariffs, and the other is the question of pensioner concessions or concessions to needy persons. It is regrettable in the controversy that has surrounded electricity tariffs recently that little regard has been paid to the fact that the Government, as one of its first acts on coming to office (dating from the time of coming to office), put into effect a comprehensive system of electricity concessions to pensioners and the needy in the community.

That had not been present in this State before, and provided an immediate and quite substantial relief. We did that in part because of the appallingly high rises in electricity tariffs that had taken place under the Tonkin Government. Let me remind the House of those increases. During 1976, 1977 and 1978, there were average increases of around 10 per cent per annum: that is, roughly in accordance and perhaps a bit below the level of inflation.

In July 1980, about nine months after the Government took office, there was a 12.5 per cent increase, which was the highest increase for five years. Twelve months later there was another increase: not 12.5 per cent, but 19.8 per cent, nearly a 20 per cent increase in tariffs. Do all the people who are signing petitions and being egged on by the Leader of the Opposition in Parliament House recall that imposition of tariffs?

In relation to May 1982, less than 12 months later, there was a further increase of 16 per cent: again, an unprecedented high tariff increase, and one can see from those figures alone between July 1981 and May 1982 tariff increases of 36 per cent in that space of 10 months. When we came to office in November 1982, with a policy of electricity concessions, we were advised that an increase was about to be imposed and that it had gone through the process.

That increase of 12 per cent applied at the beginning of December and was set in place under the previous Government. Therefore, I refer to an increase of 12.5 per cent in July 1980; 19.8 per cent in July 1981; 16 per cent in May 1982; and 12 per cent from December 1982: that is the record of the Tonkin Government of electricity prices in this State.

Of course, part of that was related to the extraordinary gas pricing agreement that had been 'negotiated' by the then Minister of Mines and Energy, who also has the audacity to join in the hunt about electricity tariffs. From those years of horrendous increases, since this Government came to office there has been one electricity tariff increase of 12 per cent. Certainly we would have liked it to be less.

However, as has been said often, unless there is some regular adjustment of tariffs we could well get ourselves into a position where the power supply of this State is undermined and where there is neglect of maintenance and supply. Therefore, some form of increase is necessary, and my colleague the Minister of Mines and Energy (bearing in mind that the Electricity Trust has to make the ultimate decision and recommendations on these things) negotiated long and hard with the Trust about the timing and the amount of that increase, and the result was the best deal possible.

We are certainly looking ahead to ascertain what can be done and my colleague has established a committee that is considering the whole question of future power supply. He has had constant meetings and discussions with the Trust about the future direction of tariff increases with a view to trying to contain them, because we recognise the impact they have on the cost of living of ordinary people and industry. We will certainly not treat them in the cavalier fashion that the previous Government did with the unprecedented high hikes in tariffs.

I think part of the problem is that in a way we are suffering the backlash of those extraordinary Tonkin years of impost, and there is little we can do about it. We have implemented our concession scheme, and we are keeping that scheme under review. In regard to the second specific point raised, I point out that it may be that, in future, we will be able to make adjustments or give further assistance in the form of concessions, but that must be looked at in the total concept of concessions supplied by the State Government. They are about $60 million to $70 million a year—a considerable sum that must be found somewhere.

In electricity concessions alone we are talking about $6 million to $7 million, again, a substantial amount that must come from somewhere. Members opposite are happy to raise these issues in this way and to bray and cavil and attack any attempt that the Government makes to get this State's financial house in order and to find the revenue to provide the types of assistance referred to. So let us put this whole electricity debate in its proper perspective. The present Government has reigned back the increases that were occurring. We hope by future action to ensure that at least they are kept at as even a keel as is possible over the next few years.

The Government is doing that in the context of being locked into a gas price agreement that has the price of that important component of electricity tariffs increasing in a way that we cannot control (and substantially over the next few years). So, we have large problems in this area, but I assure honourable members that we will not sit back and let the 20 per cents and so on just simply roll out, as the previous Government did. We will work on two fronts: first, to contain those tariff increases and, secondly, to ensure that there is a concession scheme to provide relief to those most in need.

SCHOOL CROSSINGS

Ms LENEHAN: Will the Minister of Transport re-examine the criteria used by the Road Traffic Board in assessing the need for school crossings? I have approached the Minister several times in respect to the provision of school crossings at two schools in my electorate, one of which I share jointly with the member for Fisher, namely, the Happy Valley Primary School. It has been put to me that both school crossings are desperately needed, particularly in regard to the Happy Valley Primary School where a crossing is needed on the corner of Education Road and Chandlers Hill Road. On approaching the Department both the member for Fisher and I have been told repeatedly that in neither situation are the criteria met. However, at a public meeting the member for Fisher and I attended last week it became fairly apparent to us that the criteria that have been established must be carefully studied. For example, Chandlers Hill Road, which is adjacent to the Happy Valley Primary School, has a speed limit of 80 km/h, and it is also a fairly winding road down which log trucks travel at excessive speeds. Also, there is no footpath and bushes restrict vision. Parents of that school are—

The SPEAKER: Order! I ask the honourable member to perhaps wind up her remarks. She is coming very close to—

Members interjecting:

The SPEAKER: Order! The Chair will decide what is in order and what is out of order. The honourable member is getting very close to presenting argument in her explanation.

Ms LENEHAN: I thank you, Mr Speaker, for your guidance, and indicate that I shall close the question on that point.

The Hon. R.K. ABBOTT: The matter of the criteria used in determining the provision of school crossings is one that the honourable member and the member for Fisher have approached me about during the past few weeks.

An honourable member interjecting:

The Hon. R.K. ABBOTT: Yes, all members would be concerned about school crossings in their area. The criteria used to decide the location for the installation of school crossings are developed on a national basis. The Australian design standard 1742 of the manual of uniform traffic control devices, which serves as a guide, dictates that pedestrian controls require a volume of 60 pedestrians and 600 vehicles within a two-hour period during the day. The criteria used in South Australia for flashing light school crossings is substantially more generous, requiring only 50 pedestrians and 200 vehicles within that two-hour period. Therefore, our requirements are much lower than the Australian standard.

Other pertinent factors such as site distance, road geometry, traffic speed and composition, and age of pedestrians are also taken into account along with the statistical data I have mentioned when making decisions on the installation of school crossings. The Road Traffic Board examined this criteria as recently as 1981, during the term of the former Minister, and it was accepted that the present criteria were appropriate. I understand the concerns that—

The Hon. Michael Wilson interjecting:

The SPEAKER: Order! I ask the member for Torrens to restrain himself, because all honourable members have a particular interest in this answer.

The Hon. Michael Wilson: I am trying to help him.

The SPEAKER: The Chair will decide whether the honourable member is being helpful, and it has decided that he is not being helpful.

The Hon. R.K. ABBOTT: I understand the concerns that are being expressed by the member who asked the question, and all members who are concerned about this issue. In addition to members, many school councils are asking about the criteria used for establishing school crossings. I assure everyone concerned that the Highways Department and the Road Traffic Board make every effort to ensure that appropriate pedestrian controls are installed whenever and wherever they are justified.

However, I will again ask the Road Traffic Board to consider the criteria to see whether any anomolous situations need special treatment, and whether there is support for any further reduction in that criteria. I repeat that the criteria is based on Australian design standard, and we ought to be very careful about how we reduce that criteria. As I pointed out, we have adopted a much lower criteria than that used normally in most States, and I think that that particular approach has been adopted by the Road Traffic Board in order to assist as many schools with school crossings as is possible.

PERSONAL EXPLANATION: OLYMPIC GAMES

The Hon. MICHAEL WILSON (Torrens): I seek leave to make a personal explanation.

Leave granted.

The Hon. MICHAEL WILSON: In an outburst extraordinary even for the Minister of Recreation and Sport, he said that the previous Premier and I (then Minister of Recreation and Sport) had condoned the actions of the then Federal Government in paying money to Olympic athletes to compensate them for objecting to going to the Olympic Games. I want to give a categorical assurance to the House—

The Hon. J.W. Slater: Did you dissociate yourself from it?

The SPEAKER: Order! Leave has been granted.

The Hon. MICHAEL WILSON: I repeat that I want to give a categorical assurance to the House that the first I knew of this was two days ago when I saw it in the press. I did not know about it in 1980, and I am absolutely certain that neither did the former Premier, Mr Tonkin. I have to say that this sort of outburst and this sort of allegation is typical of this Minister who, as a Minister, has no credibility amongst the public.

The SPEAKER: Order! The honourable member will resume his seat. If he continues in this way I will have to withdraw leave.

The SPEAKER: Call on the business of the day.

SALES TAX ON SPARE PARTS

Mr LEWIS (Mallee) to move:

That whereas retailers of spare parts of machinery used by primary producers are required to submit a monthly log (list) of the customers from whom such retailers have had a certificate/statutory declaration which exempts them from the payment of sales tax by virtue of the purchased article being for the purpose of primary production as provided for in the Sales Tax (Exemptions and Classifications) Act, this House urges the Federal Government to forgo any plan it may have to require the use of separate certificates for each item sold, as the enormous cost and time wasted would be an unjust burden to impose on the said retailers.

Mr LEWIS: I seek leave to amend the motion as follows:

By inserting after the word 'sold' the following words:

and for payment of the 20 per cent sales tax to be made on spare parts at the time they are taken into store by the retailer as his inventories,

Leave granted.

Mr LEWIS: I now move the motion as amended. This motion might sound complex but it is not, it is quite simple. At present in general terms members would know, or should be aware, that retailers of spare parts to primary producers (farmers, and the like) sell those spare parts to the primary producer without charging sales tax, that provided the primary producer has an exemption number or makes a statutory declaration to the effect that the goods being purchased are for that purpose. At the end of the month the retailers simply submit a list of all the sales they have made on which they have granted an exemption from sales tax, and in that list they quote the sales tax numbers and attach the statutory declarations, and that is forwarded to the taxation office.

As I understand it from representations made to me by my constituents, the intention now is to make it impossible to submit one simple list for each month of all items sold on which exemption has been granted. The retailers are to be required to submit a separate certification for each part or each transaction made. Worse than that, under the Bill, which was introduced in Federal Parliament earlier this year to amend the Act, it will enable, indeed require probably, that the sales tax must be collected by the wholesaler of the spare parts.

The retailers all around the countryside will have to pay the 20 per cent sales tax on all spare parts which they hold in their stock. They have not had to do that up to this time. They have been able to buy those spare parts and take them into stock from the wholesaler at the wholesale price. Shortly, if the Federal Government's proposal is continued, they will have to find an additional 20 per cent of the value of their inventories so that they can pay the sales tax when they obtain those spare parts from the manufacturer or wholesaler. They will, it is claimed, be able to obtain a reimbursement of the sales tax on those spare parts at the end of each month by submitting separate certificates of claim to the Taxation Department in which they will quote exemption numbers or to which they will attach the statutory declaration.

So, the motion asks the Federal Government not to do away with the list and thereby not require separate certificates for each transaction. In addition, it begs the Federal Government not to be so unreasonable as to require all retailers of agricultural spare parts around this country to have to increase by 20 per cent the amount of capital that they have invested in spare parts, purely to pay the sales tax on items sitting on their shelf awaiting sale. That will be the effect of it. If the spare parts market is of the order of $100 million a year, the Federal Government will collect an additional $20 million as a one-off payment as dealers replenish their stocks from the depleted spares that they have on their shelves with new spares that they bring in from manufacturer-wholesalers. That is quite unjust, and quite unreasonable.

To my certain knowledge, that idea has been floated with several of the manufacturing wholesale firms. My constituents have been approached by Chamberlain John Deere and asked what they think of the idea that they will now have to pay the sales tax when they receive the goods. Whilst those goods are still sitting on their shelves the sales tax will be tied up in their value as an integral part of them. The additional 20 per cent of capital for sales tax will indeed impose an unreasonable burden on the retailers and will involve a substantial amount of book work and red tape in which they must engage to obtain refunds. Quite clearly, it is the mischievous intention of the Federal Government by this means to get more money into the Federal Treasury, saying that, where it can be shown that the parts are to be used for primary production at the time they were purchased, the sales tax will be reimbursed to the dealer. The dealer has to finance the sales tax in the meantime for goods sitting on his shelf and then wait until the Federal Government makes the reimbursement 90 days later.

It could be that he will have that money (in addition to what is tied up in the items on his shelf), outstanding as part of his debtors (the Federal Government being one of his debtors) for a further quarter. So, in that case, we can see that it will not only be a simple 20 per cent that the retailer has to find to finance this iniquitous method of imposing the tax but an additional quarter (5 per cent) to make a total of 25 per cent that he has to find. That is an increase in the cost of the capitalisation of his spare parts and therefore two things will certainly happen.

First, he will seek to reduce his costs by reducing the number of spares he carries, and thus further exacerbate the inconvenience to farmers engaged in critical seasonal operations, as the retailer may not happen to have on the shelf the spare the farmer wants on the shelf and has to wait until it comes from the factory. This will cause great inconvenience to those farmers. I do not think that in any circumstances it will contribute to an increased level of prosperity for all Australians: it will detract from it. I therefore urge the House to support the proposition urging the Federal Government to forgo those plans which it apparently has in train.

I cite as evidence of my having reason to believe that this will be so the fact that there is the Sales Tax Exemptions and Classifications Act Amendment Bill of 1983, which came to our Parliamentary Library on 29 August. Several schedules in that Bill cover the items to which I have referred. Previously, when we looked at the first schedule under the old Act of 1935, we found under Division I that agricultural machinery, implements and apparatus (and parts thereof) viz.—and it lists them—would be exempt. That wording has now been changed so that those items will not be exempt, unless one can not otherwise show they will not be used for primary production.

We now find that one will pay unless one can show that they will be used for primary production by virtue of the amendments made by this Bill. We are going to change that definition to state that it is to be for use in the agricultural industry, that is, agricultural machinery, implements and apparatus (and parts thereof) for use in agricultural industry. That extra statement has been inserted in the head of Division I, which extends across 38 pages of fine print of the schedule to cover all the things that could be involved. That is the basis upon which officers of the Taxation Department have made representations to the manufacturer wholesalers on these items of equipment, spare parts, and so on, for agricultural equipment and machinery. That is, therefore, the reason why those same wholesalers' representatives have expressed their concern to the retailers—my constituents who have come to me in turn.

Members of this Parliament should understand the unnecessary imposition which that will inflict upon the rural community. It will increase the cost of those spare parts and add to the inconvenience, because there will not be such a store of spare parts maintained by those dealers. It will involve a great deal more work for the dealer retailers. I urge the House to support the proposition.

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

WEED CONTROL

Mr LEWIS (Mallee): I move:

That this House urges the Government, the Commissioner of Highways and the South Australian Plants and Vertebrate Pests Authorities to recognise that whereas Mr L.J. Tynan of Yumali was joined by other parties in an action in the Supreme Court for compensation for the acquisition (or resumption) of land adjacent to the Dukes Highway which had belonged to them and whereas His Honour Mr Justice Wells in his judgment No. 5923 of 5 February 1982 specified the extent to which the landholders would be responsible for weed control on land belonging to the Crown adjacent to the property, all landholders should regard themselves as being identical in their responsibility to that particularly defined in that judgment as it applied to Mr Tynan.

This motion arose in the first instance because a number of people joined Mr Tynan in meeting the cost of mounting an action in the Supreme Court, which was an appeal for re-examination of the value they were being paid under the terms for acquisition of their land by the Highways Department. Nonetheless, the Minister of Agriculture has decided that only Mr Tynan will be so affected and that the other people along the highway who were in similar circumstances would be denied what would automatically appear to be natural justice. The Minister has chosen to interpret the judgment separately and differently for all the other people involved from what he says applies only to Mr Tynan. I quote from a letter from the Minister of Agriculture, dated 26 August:

The responsibility is to the centre of the road, irrespective of the width, and under the Pests Plant Act the width of the formed carriageway should be deducted when calculating the road width.

I will say something about that in a minute. The letter continues:

There is one exception to that responsibility which applies only to Mr Tynan in respect to the land acquired for repositioning of the Dukes Highway. Following a court hearing Mr Justice Wells ruled that there is the old road and the new road.

Mr Tynan is responsible for part of the new road only, even though the two road reserves are side by side and contiguous. The letter continues:

This would mean that the Murraylands Pest Plants Control Board would be responsible to treat and carry the cost of any pest plants weed control work on the balance of the road area.

That refers to the old road and half the new road. So, everyone else, except Mr Tynan, has to continue to meet the cost of controlling the weeds on both the road reserves (where they run side by side and there is no land between them). Mr Tynan has to meet the cost of controlling only the weeds on the new road reserve, even though the other landholders joined him in that action. That was the Minister's directive to the Pest Plants Commission. That is my first point. The Minister is quite out of order and quite unjust in the way in which he has chosen to interpret that judgment.

My second point is that under the Pest Plants Act the local Pest Plants Control Board is charged with the responsibility of controlling the weeds, not the landholder. The Pest Plants Control Board does the job, and bills the landholder. That is all right if it was only consistent, but it is not. The inconsistency arises not only in the way in which Mr Tynan has a reduced liability, as specified in the Act, compared to all the other landholders, but in that some people live in the district council areas which are not part of the Pest Plants Control Board and the old Weeds Act applies.

In those circumstances the landholder himself must control the weeds, not meet the cost of it, as was done by the Pest Plants Control Board, because there is no such board. If the owner does not control the weeds the council must, under the old Weeds Act, get a contractor or one of its employees to control them, and then bill the landholder. The council is empowered to do that, and the Minister can compel the council to do it. If the council does not do that, then the Minister may have it done at the council's expense.

Under the old Weeds Act, the road reserve is calculated by including the sealed surface, as well as the land on both sides of it—the whole lot. However, under the Pest Plants Act, unlike the Weeds Act, the width of the sealed surface of the road has to be deducted from the reserve before a calculation is made of half the reserve. There are anomalies between the ways in which the two Acts that apply can be interpreted. They affect different landholders differently and, accordingly, make the situation unjust.

Moreover, as I have explained, there are anomalies in the way in which people are affected according to whether or not the Minister of Agriculture's directive is to be applied in those circumstances where people are in a district council which belongs to the Pest Plants Control Board. That is why I have brought this matter before the House in this form. Indeed, if the situation is to be allowed to continue any longer, it will probably result in a large number of farmers arriving on Parliament House steps with their weed control equipment, to simply protest at the stupidity of the situation.

If the Minister and the Government want that kind of mess, let that be on their heads, but let it not be on the steps of Parliament House. Let us, as members of this place, acknowledge that there is an injustice, not only as a result of the anomalies that exist between the two Acts that apply in this area, but because of the way in which the Minister of Agriculture, controlling the Department of Agriculture, has chosen to interpret the meaning of that Act—on the one hand, particularly as it relates to Mr Tynan; on the other, as it will in his opinion have to apply to everyone else.

The final anomaly to which I draw the House's attention is the greatest injustice of all. The Minister of Transport and the Highways Department, in the process of acquiring the land it needed to realign the Dukes Highway and rebuild the surface on safer radii for the corners, and reduced gradients on the rises and falls along its length, calculated the amount of compensation to every landholder using exactly the same formula as that used by Mr Justice Wells in fixing the amount of compensation paid to Mr Tynan. They were forced to accept settlement on those terms, even though their liability for weed control as determined unilaterally (in contempt of Mr Justice Wells' decision) by the Minister places them in a position where it will be very much higher. That is injustice, indeed.

I have tried to get Ministers of the Crown and their respective departments to see the anomalies of the situation and to provide for those people who are affected an even-handed treatment. They have been very patient, but if we fail in this last attempt to get reason into this difficulty, then let the responsibility for that failure be on the heads of those concerned—the Government.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That the debate be adjourned.

The DEPUTY SPEAKER: Is the motion seconded?

Mr EVANS: Yes.

The DEPUTY SPEAKER: Those in favour say 'Aye'; against 'No'. I think the Ayes have it. That the adjourned debate be made an order of the day for—

Mr EVANS: Mr Deputy Speaker, I do not know whether I can withdraw my seconding of the motion for the adjournment, but the member would sooner put it to a vote. If the Minister agrees, I think it would be wiser to do that.

The DEPUTY SPEAKER: The honourable Minister has moved the adjournment of the debate, and the Chair understands that the honourable Minister, if he is prepared to allow the vote to proceed, would have to withdraw the motion.

Mr EVANS: I would ask whether it is possible for me to withdraw my seconding, because I was the person who seconded the motion.

The DEPUTY SPEAKER: No, the Chair cannot accept that. There has been a motion moved, seconded and carried; that is the position, and I cannot allow that. The Chair has sought to ascertain when the adjourned debate should be made an order of the day.

Mr LEWIS: With reluctance, Mr Deputy Speaker, on motion.

The DEPUTY SPEAKER: Is that motion seconded?

Mr EVANS: Yes.

The DEPUTY SPEAKER: For the question, say 'Aye'; against 'No'. I think the Ayes have it.

Motion carried.

KINGSTON LIGNITE DEPOSIT

Adjourned debate on motion of Mr Lewis:

That this House opposes the mining of the Kingston lignite deposit until and unless—

(a) the inadequacies and inaccuracies of the environmental impact statement are rectified; and

(b) an indenture Bill (which defines adequate provisions for compensation to the Kingston community, the Lacepede District Council and private land holders

who may be affected by the development) is passed by this Parliament.

(Continued from 26 October. Page 1380.)

The Hon. G.J. CRAFTER (Minister of Community Welfare): I would like to comment briefly on this motion proposed by the member for Mallee dealing with the lignite deposits in the South-East of this State. This is a matter of concern to all citizens of the State. Here we have a conflict between the interests of people who live in and around the settlement affected in Kingston, and the overall interests of the people of this State. One of the mechanisms of Government whereby those difficulties are resolved is by means of environmental impact statements so that conflicting interests can be tackled, and so that we can try to establish proper planned development or, indeed, establish whether that development is desirable.

So, the honourable member's motion is one that is proper for debate in the House and I know that my colleague, the responsible Minister, wants to provide to the House some information on this matter, in which he has taken a particular personal interest.

The Hon. R.G. PAYNE (Minister of Mines and Energy): In moving this motion, the member for Mallee fairly put on record a number of statements about information put to him by two main groups in the vicinity of Kingston. There was a farmers' watchdog group (I think that was the term he used) as well as a group set up by the local district council. In asking for the support of this House for his motion, the honourable member listed the qualifications of the people concerned. There would be no member of the House who would essentially have any quarrel with the fact that they were, as far as I can judge from what he said, competent people.

The information put forward obviously has some validity, but that does not necessarily mean that the House needs to accept it at face value. It would be fair to say that the honourable member did not tell the House what is the present situation in relation to the Kingston coal deposit. First, we need to recall that the environmental impact study, which is the subject of the motion, has been issued.

In fact there are other certified steps which take place in relation to any project and its e.i.s. Those steps involve an assessment carried out by the Department of Environment and Planning. My understanding is that that assessment is not yet complete, so it seems that the honourable member is putting the cart before the horse, to use an old wellknown phrase. He is asking the House to take an attitude on a matter which has not yet gone through the relevant processes that apply in such circumstances.

In addition, I do not think that the honourable member sufficiently aired another factor which needs to be taken into account in considering this matter, namely, that the Government publicly announced (as is well known) and set up a committee to consider the State's future electricity generating requirements over a period of some 13 years and to consider also the development of local resources in the State generally, including lignite. That committee, the Stewart Committee, is still carrying out the task given to it in accordance with the terms of reference, about which I have just reminded the House.

It would seem that once again the honourable member is in error in asking the House to come to a conclusion on a matter such as this before that process has been gone through, and has not really allowed for the reasoned thinking that should apply in a matter of this nature. That is not to say that the honourable member was not entitled to raise concerns brought to him by residents and constituents in the area involving possible matters of compensation, the loss of their farms or losses in terms of property, and the genuine concerns that they might have in relation to the underground water systems existing in the area. I have no quarrel with the honourable member for having brought that to the attention of the House. Because, as I have tried to briefly outline, this is a matter that ought to be addressed at a suitable time and in a more reasoned way, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PREMIER'S DEPARTMENT DE-REGULATION UNIT

Adjourned debate on motion of Mr Gunn:

That the Premier immediately re-establish the De-Regulation Unit in the Premier's Department and that the Unit immediately examine all Acts of Parliament, regulations, permits and licences with a view to reducing unnecessary Acts, regulations and controls and rationalising legislation.

(Continued from 9 November. Page 1567.)

Mr GUNN (Eyre): I am pleased that the Premier has returned to the Chamber to listen to the remaining comments that I have to make on this very important matter. I do not know whether the Premier has taken the trouble to examine, or had his officers examine, 'A Plan of Action to Rationalise South Australian Legislation', dated August 1980, which was presented to the previous Government. However, I refer to a quote of Charles L. Schultze, appearing on page 1 of the report, as follows:

By now, regulation about parallels the taxing and spending powers of Government in terms of its influence and importance in the life of the nation. Finding ways to improve how it goes about regulating is the most important managerial task now facing the Government.

I think that that quote sums up the situation now confronting South Australians, because some of the concerns that the committee outlined on page 7 of its report are as follows:

Concerns range over the whole spectrum of conflicting views that—

(1) Many laws are no longer relevant to current circumstances and should be repealed;
(2) there is too much bureaucratic paperwork, delay and cost arising from regulation;
(3) many controls are excessive;
(4) there should be more regulation in various areas;
(5) small expenditure on regulation imposes much greater costs on the private sector;
(6) much of the real cost of compliance with regulation is borne by consumers in the form of higher prices;
(7) better educated, higher income group pressure for more stringent regulation forces higher prices on lower income consumers;
(8) insufficient attention is given to weighing costs and benefits and making trade-offs;
(9) too little weight is given to social and human benefits;
(10) regulating agencies are too closely allied and sympathetic with the interests of those groups which they regulate;
(11) too much attention to costs and benefits may nullify the hard-won gains of consumer and labour groups;
(12) regulation has many unintended consequences;
(13) some regulations fail to achieve their stated objectives;
(14) there is confusing overlap between Commonwealth and State laws;
(15) some regulations work against the objective of an integrated national economy, particularly where national markets are concerned;
(16) changes to regulation take too long to achieve;
(17) frequent changes to regulations are disruptive;
(18) there is too much discretion, under regulations, given to the administrators;
(19) there is too much rigid control and insufficient discretion;
(20) there is inadequate prior consultation about regulations with those people likely to be affected by them—

and that is one of the most widely held views in the community—

(21) Governments are too ready to regulate and limit individual freedom, in the face of inadequately defined problems;

(22) each Government regulatory agency should have its own legislation so that it is not reliant on other parts of Government to have its interests considered;
(23) each Government agency strives to achieve its own regulatory goals without central co-ordination and control, ignoring the overall consequences for those who are regulated; and
(24) finally, that the main problem is the complex mass of overlapping, inconsistent and poorly co-ordinated regulation which affects many people and activities.

The report further states:

The South Australian Government's general objective relating to regulatory legislation affecting business and community activities, under the banner of de-regulation, can be summarised as follows:
to reduce or eliminate any unduly restrictive or unnecessary controls;
to eliminate petty, time-wasting controls and 'red-tape' which unnecessarily:
deter investment;
stop the creation of new jobs; or
add to business costs; and
to minimise the cost of necessary regulatory measures to both the public and private sectors.

The report further states:

The Government's de-regulation programme should be systematic, deliberate and sensitive to the concerns of various sectors of the private and public sectors. The maximum possible degree of consistency, and of openness with facts about the social and economic costs and benefits of regulation, will be necessary.

I note that we are running out of time, so I will not make all the comments that I had intended to make. However, I refer to page 32 of the report, under the heading 'Findings', as follows:

The South Australian Statute Book contains Public General Acts of Parliament spanning 118 years. Among the oldest remaining Acts are the—
Ballot Act, 1862-1971,
Markets Clauses Act, 1870-1956,
Native Industries Encouragement Act, 1872-1924,
The Estates Tail Act, 1881,
General Tramways Act, 1884-1935,
Anatomy Act, 1884-1974, and
The Real Property Act, 1886-1979.
The public Acts which are of general application in South Australia total 548 as at 30 June 1980.

Regulations in force as at 30 June 1980 totalled 2 262. We all know that the problem with regulations is that neither Parliament nor the Subordinate Legislation Committee can amend them: they must be either accepted or rejected. Reform in that area is required urgently. I seek leave to have inserted in *Hansard* without my reading it a table detailing the number of Parliamentary Papers tabled and the number of regulations considered and disallowed (from 1938 to 1979).

Leave granted.

PARLIAMENTARY PAPERS (INCLUDING REGULATIONS) TABLED WITH THE PARLIAMENTARY JOINT COMMITTEE ON SUBORDINATE LEGISLATION 1938-79.

Committee	Papers Tabled	Regulations and By-laws Considered and Disallowed	
1	300		
2	278		
3	251		
4	371		
5	396		
6	291		
7	335		
8	426		
9	452		
10	569		3
11 (2 years)	374		0,0
12	513		0
13	770		3
14	639		3
15	655		0
Totals	6 620	655	104

(Statistics derived from the Report of the Fifteenth Committee on Subordinate Legislation, 1977-79 and House of Assembly Digests, 1974-80.)

Mr GUNN: I could say a lot more, but as time is moving on I will conclude my remarks. I am glad that the Premier intends to reply. I regard this as an important area of Government administration. I sincerely hope that the present Government will continue where the previous Government left off. There are far too many unnecessary controls and far too much red tape and paperwork created. I have referred to the case in regard to one of my constituents who had to have 21 licences to run a small business. I could go on at great length by quoting certain cases and thereby create a great deal of hilarity as well as making reflections on public servants. However, I do not believe that that would be useful on this occasion. We should not blame public servants, because it is the Ministers who are responsible. Therefore, I hope that the Premier will respond in a positive manner and that he will accept my motion. I have not moved it with the intention of being critical of the Government but simply to jog its memory that this is an important area of Government administration that should be addressed as soon as possible. I commend the motion to the House.

The Hon. J.C. BANNON (Premier and Treasurer): I am very happy to respond in a positive way, which is not to say that I support the motion. I agree with the honourable member that far too often Governments and administrative authorities resort to legislation or regulation when often the desired aims can be achieved by simpler and less expensive methods. My Government does not stand for red tape, imposing regulatory obstructions and cluttering up ordinary commercial transactions, and so on, with bureaucratic overloading. So, I think the honourable member and I are one on that. However, the problem with the debate over the past few years that has revolved around deregulation concerns the way in which it has been presented.

I think the previous Government used the notion of deregulation as a sort of philosophical concept to aid it in its attack on the public sector and its activities. With any organisation, particularly large organisations, it is not hard to find small specific examples which can be inflated and made to look ridiculous or unnecessary. I guess that when such examples are brought to the attention of authorities something should be done about them. But, if that is being done as part of a general philosophical attack on public sector activity and its value in society, I do not think one's aim is achieved at all. One will not achieve efficiencies by simply attacking regulatory controls. Efficiency is achieved only by looking at regulatory controls in an objective way, assessing what their purpose is and measuring that against their effectiveness. That sort of process, I believe, should be carried out by Government on a continuous basis.

The Government should be constantly reviewing the way in which regulations are developed and determining whether there are gaps, redundancies, overlaps, conflicts between agencies or time-consuming processes that are not aiding public administration or efficiency of Government. Therefore, I would actively support the concept of regulatory review and rationalisation, but I am not prepared to support it in the context in which it so often has been raised. I am not suggesting that the honourable member has raised it in that context in this case: I am referring to the history of the deregulation debate which occurred under the previous Government and which culminated in the formation of the deregulation unit, the subject of the motion. I am referring to the general attack on public sector activity and public administration.

The present Government certainly recognises that a number of areas need attention. I think some of the work done both in the 1970s and more recently under the previous Government has been valuable. The deregulation discussion paper of October 1982 was released for public comment.

Unfortunately, it was used by the previous Government very much in a political context, but within it there are several quite sound suggestions and projects outlined as well as details of areas that should be reviewed. The present Government upon taking office took up the report, and the exercise of consultation and invitation to various groups to respond to the report was continued. Responses received were analysed and worked up into further recommendations to the Government on the continuation of the deregulation programme. So, that work has not lapsed or languished: it has been carried on in a constructive sense.

However, the Government has disbanded the deregulation unit as such. I have addressed myself in this place on a number of occasions, during the Estimates Committees and elsewhere, to the reasons behind that. Perhaps they can best be summarised by saying that, if one is trying to overcome administrative inefficiency and red tape, it seems an odd thing to create yet another piece of bureaucracy which purports to deregulate, arising from the very act of having a deregulation unit and giving it the trappings of some form of administrative authority. Incidentally, the deregulation unit's authority did not go that far with the previous Government; it was not involved in commenting on recommendations for changes in Acts, and so on. It was usually involved only at the end of a process and not at the beginning. So, its effectiveness was very constrained. By forming such a unit and embarking on such a process, in fact, in itself it creates more red tape, this type of internal bureaucratic red tape within Government, done under the guise of trying to get rid of red tape. To attempt to solve the problem of over-regulation by establishing a deregulation division, unit or department is really just a sort of a Heath Robinson joke—a self-sustaining mechanism that does not get anywhere.

Another adverse effect in regard to this method of tackling deregulation (and I suggest that the method was chosen more for its propaganda value than for its effectiveness) was that there was no way of actually pinning responsibility on anyone. With a deregulation programme paying particular attention to Government administration, it is the responsibility of those involved in formulating such a programme to have regard to the sort of regulations they are putting in to ensure that a minimum of red tape and bureaucracy is involved in the area of operation under consideration. With a deregulation unit, there is a tendency for those formulating programmes or developing sets of regulations to, in effect, pass the buck and say, 'We will not worry too much about the regulatory impact of this programme because the deregulation unit will fix all that up, as that is the place to go with a complaint or to talk about the matter: we will wait to see what it says.'

In those circumstances there is no internal responsibility on those who are actually administering programmes to worry about them. I would suggest that, far from improving the performance of public administration in reviewing regulations, the deregulation unit in some areas possibly impeded performance, because as well as the shifting of responsibility there is the inevitable resentment of a unit somewhere else interfering with the way in which an operation is carried out.

Again, efficiency is not created if the De-Regulation Unit and a Government department are at odds over a method of public administration. The battleground that is created translates itself into further inefficiencies and time-wasting procedures. There was evidence in some areas that that is exactly what was occurring. A review of that De-Regulation Unit suggested that while the preliminary exercise of identifying certain areas which should be tackled was valuable in itself, the process of de-regulation was not aided in any measure with the existence of that unit: it was, in effect, a waste of Government resources and a further waste being put on top of the other wastes the unit was supposedly meant to be identifying. While we approved the continuation of the de-regulation programme, we did not continue with the De-Regulation Unit. We put the responsibility back where it should be and, that is, the responsibility for carrying out the deregulation projects rests with the individual Ministers and departments.

There is a need for some form of overall co-ordination, but that can be far better done through the normal Premier and Cabinet central agency type of co-ordinating function than by having a specific unit. There is monitoring and there is co-ordination, but it is incorporated again into the general process of Government, and I believe as such it has a far better chance of being effective. Under this policy we ensure that the implementation of identified de-regulation projects continues, and reports back are made on the scope for additional regulatory review or rationalisation. The number of projects that have been approved for continued action are: motor vehicle licensing review; occupational licensing review; consolidation of planning controls; rationalisation of environmental controls; review of transport licensing; the implementation of the small business licensing report; the consolidation of building legislation; the introduction of cyclical billing; a streamlining of form design; the production of pamphlets for industry; the investigation of options for the establishment of an administration appeals tribunal; and review of obsolete legislation.

There are 11 specific projects approved for continued action and where action is taking place it is the responsibility of those departments that deal with the various topics that are the subject of each of those 11 areas. The aims of a deregulation policy are certainly sensible enough but, as I think I have explained, the reality is that an especially established unit, along the lines of the unit the previous Government established, does not achieve those aims and may create greater inefficiencies.

Taking the example of obsolete Acts of Parliament, it may be a good idea for the sake of neatness to ensure that all obsolete Acts of Parliament are removed from the Statute Book. Any member can go through, as the honourable member has done, and pick out Acts which do not apply today and which have no relevance and are effectively moribund. The point is that, although they sit on the Statute Book, they are harmless and one must balance the neatness and tidiness with actually repealing them. Remember, the repealing process is a formal one.

It takes up the time of this House and every one of us here; it takes up the times of draftsman in preparing the Bill; putting it through various processes; printing it on the Notice Paper and admittedly there is little debate on it, but nevertheless time has to be devoted to the various stages of it; it goes to another place and they go through the process; and finally it drops off the Statute Book. If one takes into account the time spent in doing that, the time spent on examining the various Acts of Parliament and identifying and preparing the legislation to take it off the Statute Book, one begins to question whether there is a substantial gain.

If obsolete legislation exists, it is not causing any particular harm or damage; it is not confusing or getting in the way of anything; it may bulk out the Statute Book prints, but that is about all it does, and one questions the time and money spent on going about that major exercise. Indeed, even for the sake of history it is probably quite interesting to keep some of these ancient and redundant Statutes for some casual interest.

All I am suggesting is that when one looks at it in theory and suggests that we get rid of these from the Statute Book because it seems a great idea and an efficient thing to do,

the actual process of doing it is probably more costly, more time consuming, and more confusing than just leaving it as it is. One has to balance those particular costs in any instance. There is no point in wasting scarce resources on what is essentially an academic exercise with no tangible benefit to the community.

I have said that about obsolete Statutes. Let me come back to my opening point, which was to say that there are regulations which have proved to be unnecessary and which are imposing burdens. In those cases we are looking at a different proposal. Where there is some harm being done and some costs being incurred for no particular purpose, we should take action to ensure that those regulations are removed. That is where the de-regulation programme has value. As I have already outlined, at least 11 major programmes are being carried out as a consequence of the identification of such things in the past but for that programme to be effectively dealt with we do not need the De-Regulation Unit.

The Government does not support this motion. I do not intend to immediately re-establish the De-Regulation Unit, because I believe it is unnecessary and a waste of public resources. I do, however, and I stress this, intend to continue with a de-regulation programme. We are certainly open to any suggestions from people in industry and elsewhere who have identified regulations that are onerous and seem unnecessary. We will examine them and, if our assessment agrees with what the person says who raised the matter, then that will be removed. We are continuing with a series of fundamental de-regulation programmes, and responsibility for them lies where it should be, with the departments that administer them. For that reason I oppose the motion while still stressing that the de-regulation programme will continue.

Mr EVANS secured the adjournment of the debate.

KINGSTON LIGNITE DEPOSIT

Debate on motion resumed.
(Continued from page 2139.)

The Hon. R.G. PAYNE (Minister of Mines and Energy): In concluding my remarks, I believe this motion ought not to be supported, not, as I have tried to show in my earlier brief remarks, because the member should not have certain concerns on behalf of his constituents when brought to his attention, but because there is a due process that applies in these matters, and that due process needs to be given time to work.

The honourable member would perhaps reflect, if he considers the second part of this motion (which refers to the requirements for an indenture in this matter), that we do not necessarily even have a project. I think that, if the member studied the history of other indentures in this area, he would see the point I am making. I ask thinking members of this House to support me in my opposition to this motion.

Mr LEWIS (Mallee): In response to remarks made by the two Ministers of the Government, on the one hand the Minister of Community Welfare who adjourned the debate on a previous occasion and also the Minister for Mines and Energy (who was given leave to continue his remarks so that he could fetch his notes from his office), let me say this: they are lame. Quite clearly neither Minister did any homework on this motion at all. I doubt whether any member of the Government has taken any trouble to give it serious consideration. They have completely ignored the welfare of the people of Kingston with their indifference to this problem.

Let me dismiss, first, the remarks made by the Minister of Community Welfare, who said nothing other than that it was justified to debate the matter. Even then he was apologising for having to say that. We look at the remarks made by the Minister of Mines and Energy, and discover that he accuses me of having put the cart before the horse by bringing this matter before the House. I do not understand how that can be so.

I point out that the Western Mining Company in April of this year introduced its environmental impact statement, and public comment was called for so that it would be either accepted or rejected. The time given for comment was three months. We have not heard from the Minister for Environment and Planning, yet this is a major project. If it goes ahead it will have serious implications for not only the sociology of Kingston but also its demography and economy as well as the ecology of the mining area and the adjacent marine environment into which it must be dewatered, yet we have heard nought from that Minister. It is his Act and his responsibility. It was his decision to limit the time in which public comment was invited before the e.i.s. could be adopted, rejected, or withdrawn and amended. In fairness I waited until the conclusion of that period and then brought this motion before this House, after the Government had done nothing about the e.i.s. This motion, which states that there are inadequacies and inaccuracies in that statement, deserves better consideration in view of that.

This is the last opportunity for people in Kingston and the Lacepede District Council area to ensure that, if the project is to go ahead, it should go ahead on valid information about its effects. The Minister said that it is all okay and that the process of comment and consultation is still occurring. Be damned—it is not occurring—it is finished! This is the last chance!

I draw all honourable members' attention to Division II of the Planning Act, 1982, section 49, which states:

> 49. (1) Where a person proposes to undertake a development of project that is, in the opinion of the Minister, of major social, economic or environmental importance—
>
> *(a)* the Minister may, in consultation with the proponent, have prepared, or arrange for the preparation of, a draft environmental impact statement in relation to the proposed development or project;
>
> or
>
> *(b)* the Minister may require the proponent to prepare a draft environmental impact statement in relation to the proposed development or project.

It was *(b)* in this case that was carried out. The section continues:

> (2) The Minister shall, by public advertisement, invite interested persons to make written submissions to him on the draft environmental impact statement within a period (being not less than two months from the date of publication of the advertisement).

That has been done by the people to whom I have referred—the U.F. and S. watchdog committee, and the Lacepede District Council, notwithstanding other citizens. The time for that has concluded—finished!

In August, after I had given notice of this motion, it was put on the Notice Paper, and we began debate on it in September. There was a whole month for people to analyse the implications of it. I offered the information and made it available through the library. No member of the Government has taken any interest in it, it would seem. Yet, I know that that is not true, because the member for Florey went to Kingston, and people from that locality have reported to me that he did understand what was happening. He knew of the deficiencies and understood the inaccuracies of the e.i.s., and recognised that, if the project were to go ahead, there would need to be, because of its complexity, a separate indenture Bill, because the Mining Act is not adequate in those areas of uncertainty in the law. Subsection (3) of section 49 of the Planning Act, states:

(3) The Minister shall, after considering the submissions and any response that the proponent may desire to make to the submissions, determine what (if any) amendments should be made to the environmental impact statement—

that is what this motion is about—amendments to amend the inaccuracies and inadequacies of it—

and, after those amendments have been made, signify by notice to the proponent that the statement is officially recognised.

We have just heard that the Government does not accept that there are any inaccuracies and does not accept that there are any inadequacies. If that is so, the process by which the Hon. Don Hopgood, the Minister for Environment and Planning, is supposed to have done his job is also to be ignored. He accepts the statement as it stands, and the people of Kingston will be very interested to learn that. They will not only be very interested—they will be ropable. If members think that I am angry, let me assure them that I am as meek as a new born lamb compared to how the people of the South-East and Kingston are going to feel when they hear this news tonight. Sections 4 and 5 of the Act state:

(4) The Minister may from time to time amend, or require the amendment of, an environmental impact statement to which official recognition has been accorded under this section in order to correct an error or to make modifications that are desirable in view of more accurate or complete data or technological or other developments not contemplated at the time of the original recognition but where a proposed amendment would significantly affect the substance of the environmental impact statement it shall not be made before interested persons have been invited, by public advertisement, to make written submissions on the proposed amendment and the Minister has considered the submissions (if any) received in response to the advertisement.

(5) The Minister may recover reasonable costs incurred by him in relation to the preparation of an environmental impact statement in respect of a development or project as a debt due to him from the proponent.

It is not as if the Government needs money—it can ask Western Mining to meet the cost. It cannot say that it did not have the money allocated in the Budget lines and get out of it that way. The rest of the material in that section is not relevant to this debate. However, in the course of the remarks made by the spokesman on behalf of the Government, no consideration was given to that section. It was ignored. It is now finished—it is over. This place, this Parliament, is the last ditch! This motion is the last chance to do something before that ditch is either crossed or we fall into it.

That is the reason why the motion was put on the Notice Paper. I understood that that was the reason why the member for Florey went to Kingston—to talk to people in the District Council of Lacepede area. I am aghast! I am disgusted! I think it is revolting that the future livelihoods of all the people in that community and the impact that this prospective development could have on the natural environment, on dry land, and the marine environment, have just been ignored.

The Government says that it is too hard and that it does not have the Stewart Committee's report yet. That is utterly irrelevant! It has nothing to do with the thrust of my proposition. That report is being prepared by the Government to determine from where its energy resources will come. My motion addresses those factors relevant to the project if it is to go ahead at Kingston. My motion is related to the e.i.s., which is inadequate and inaccurate, and is related to the necessity for an indenture Bill. The Minister stands here and says that I have got the cart before the horse; that we have to wait for the Stewart Committee; and that there are due processes by which it has to be done.

I wish the Minister could spell out what those due processes are, because in law they do not exist. If they entail a demonstration on the steps of Parliament House, then that is what it will be. If they entail that kind of civil disturbance, a pox on him and his Party. We should encourage the kind of respect that law-abiding citizens of Kingston have for the law but which instead he and his colleagues obviously treat with contempt.

Motion negatived.

NATURAL DEATH BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 1578.)

Mr MEIER (Goyder): I want to put on record that I am opposed to this Bill, which provides for and gives legal effect to directions against artificial prolongation of the dying process, as members would be aware. It would seem that it would ensure that the terminally ill patient will be able, if he or she wishes, to issue a direction that extraordinary measures are not to be taken when death is inevitable and imminent. From the information that I have been able to gather, it would seem that patients already are protected by common law. Any patient at any stage of treatment can refuse to undertake treatment. For this reason, I wish to express my reservations that we should bring in legislation that possibly would bind medical practitioners and patients to something that may be out of their control.

It was interesting on Monday evening this week to listen to a talk-back programme on which I heard a couple of people, one of whom was particularly vocal in saying that it was the intention of his group (and he specifically mentioned the Humanists) to educate people and promote the concept of voluntary euthanasia. Those people said that they felt that the Humanist organisation would be able to rally support and get the movement off the ground and then perhaps withdraw as an official body and let the public generally continue with that movement. I really cannot see why the group would want to promote that aspect when, as I said earlier, in law this already exists if a person does want to have life support systems withdrawn.

If we consider further—and on the talk-back programme this came up several times—the idea of compassion, callers who telephone the programme had put to them, particularly those against voluntary euthanasia, 'Surely you must have compassion for the terminally ill.' But, that is a very emotive word in itself, because how can one define where there is compassion or where it can possibly become very close to murder or manslaughter? I refer to an incident that occurred earlier this year, if my memory serves me correctly, of a shooting accident where I believe an employee on a farm was out with his employer, and, unfortunately, an accident happened and the employer was shot. Apparently he was in such excruciating pain, screaming, and so on, that the employee decided, according to the evidence that was given at the court case, to put the employer out of his misery, to show compassion. Naturally, that person was charged with murder. Is that compassion? How is one to determine, there and then, what is compassion *versus* a terminally ill case?

These types of things surely would have to be a worry for the medical practitioner, because clause 4 (3) states:

Where a person who is suffering from a terminal illness has made a direction under this section, and the medical practitioner responsible for his treatment has notice of that direction, it shall be the duty of that medical practitioner to act in accordance with the direction unless there is reasonable ground to believe . . .

Then there are a couple of escape clauses. It is emphatic that one shall act in accordance with the direction.

I wonder to what extent the medical practitioners could ensure in all cases that they are able to carry it out as the person had indicated perhaps some years before, or perhaps only a short time before, depending on the direction given.

I would like to make other comments, but I would refer members, because of the time factor, to the speeches of the members for Coles and Mallee. Many of the things that I would like to emphasise are in those speeches. I will not go into detail there. But, I conclude with a statement made by the Anglican Archbishop:

Euthanasia, whether chosen by the patient himself or by others, is unacceptable to Christian conscience. There could be grave long-term consequences for mankind in the acceptance of any form of euthanasia.

Ms LENEHAN (Mawson): In closing the debate, I would like to thank all members who have participated in it for their contribution. Some very interesting comments have been made, and some very worthwhile matters have been raised. I would like to reiterate a couple of points I made some months ago in my second reading explanation, because I think they are particularly relevant in relation to points the member for Goyder has recently contributed.

First, the purpose of this Bill is to provide for, and give legal effect to, directions against artificial prolongation of the dying process. This will ensure that a terminally ill patient will be able, if he or she wishes, to issue a direction that extraordinary measures are not taken when death is both imminent and inevitable. I think that if we look at the meaning of those words, as outlined in the Bill, it becomes very clear and obvious that at no stage is the Bill addressing itself to any questions relating to euthanasia, either active or passive. I refer the member for Goyder to clause 7 of the Bill, which provides:

Nothing in this Act authorises an act that causes or accelerates—

I think that is a key word—

death as distinct from an act that permits the dying process to take its natural course.

Perhaps to emphasise that point I would add this aspect, that the Bill allows people who are about to die some say in their own dying process. However, it does not allow them to say whether they are going to die or when they are going to die, but how. As I said once before, to me that is a right that we should acknowledge.

Before closing the debate I wish to publicly express my gratitude to the original mover of this Bill, the Hon. Frank Blevins, now Minister of Agriculture. Under his guidance, the first Natural Death Bill passed through the Legislative Council on 26 March 1980. Therefore, the Bill has been in the community for three years. I believe that in that time there has been much debate and discussion, and that it is due to the persistence and competency of the Hon. Frank Blevins that we are now to the stage of perhaps finally voting on it. I wish to publicly acknowledge my thanks to him, because I believe that it is an excellent Bill, and I strongly commend it to the House.

Bill read a second time and taken through Committee without amendment.

Ms LENEHAN (Mawson): I move:

That this Bill be now read a third time.

The House divided on the third reading:

Ayes (35)—Messrs Abbott, Allison, Mrs Appleby, Messrs L.M.F. Arnold, P.B. Arnold, Ashenden, Baker, Bannon, D.C. Brown, M.J. Brown, Chapman, Crafter, Duncan, Eastick, Ferguson, Gregory, Groom, Gunn, Hamilton, Hemmings, Hopgood, Ingerson, Keneally, and Klunder, Ms Lenehan (teller), Messrs Mayes, Oswald, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, Wilson, and Wright.

Noes (11)—Mrs Adamson (teller), Messrs Becker, Blacker, Evans, Goldsworthy, Lewis, Mathwin, Meier, Olsen, Rodda, and Wotton.

Majority of 24 for the Ayes.

Third reading thus carried.

STOCK DISEASES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 1856.)

The Hon. LYNN ARNOLD (Minister of Education): The Government supports the principle behind the amendments proposed by the member for Alexandra in the Bill that he has introduced to the House. It does so after consideration of the issues involved, and after consultation with industry representatives, who have advised the Minister of Agriculture in another place of their support of the measures. I stress that, in increasing further the obligations of owners who detect or suspect disease in their stock, the proposed amendment to section 19 (1) is consistent with the philosophy of making stockowners more accountable and responsible for disease prevention control and eradication measures, both within their own flocks and herds and those of their neighbours.

Given that this is the last occasion in this session when private members' Bills can be debated in this Chamber, the Government is prepared to support the passage of the Bill in this place, in order that questions raised about duplication of legislation dealing with diseased stock on roads can be clarified before the matter is considered in the other place. Members of this House may be unaware that the purpose and intent of the Bill proposed by the member for Alexandra in this matter of droving diseased stock on roads may be already covered by regulation 39 under the Stock Diseases Act. Nevertheless, with this reservation about the necessity for the benefit of duplicated legislation, the Government supports the passage of the Bill.

Mr BLACKER (Flinders): I too support the passage of the Bill and from inquiries I have found the same thing: almost word for word the regulation parallels that which is proposed to be in the legislation.

The Hon. Ted Chapman interjecting:

Mr BLACKER: The shadow Minister of Agriculture tells me that it is only in Part II of the Bill, which I accept. However, by the same token I think that it is probably more desirable and it is certainly my preference that it should be left in the Act rather than carried into law by way of regulation. On that point alone, and if that were the only difference, I would still support its going into the Act in preference to being done by regulation.

The Hon. TED CHAPMAN (Alexandra): I appreciate the Government's support for the private member's Bill that appears on the Notice Paper in my name. I note with interest the remarks made by the spokesman for the Minister of Agriculture on the other side of the House and recognise that there is a distinct similarity between the words incorporated in Part II of my Bill and those incorporated in a regulation designed to assist in the administration of the Act, and that point has been picked up by the member for Flinders. Be that as it may (and I acknowledge the similarity that occurs there), the exercising of that regulation has been lax, to say the least, with respect to the movement of livestock. I believe that the regulation is and has been for too long too loose, and it was against that background and experience in the South-East of South Australia in particular that has caused me, with the support of my colleague the member for Victoria, to bring this Bill forward to implant into the Act quite clearly the requirements and responsibil-

ities of the inspector of livestock in any given region, and indeed of the owner of any identified diseased stock.

Part I of the Bill deals with the notification of all neighbouring properties abutting the property containing diseased stock. I take it that the Government supports that aspect without any reservations and, after consultation with the industries referred to earlier and indeed with the Minister of Agriculture himself in this instance, I place on record my appreciation of the Government's support in this instance. I believe that, when the subject is brought to the attention of our colleagues in another place, it will be subject to wide canvassing. Indeed, I am aware of a colleague in our Party who intends to put on record some matters of local and broad State rural significance as they relate to stock diseases generally, and in particular to the disease of footrot.

I think that it is high time that rural producers, indeed livestock owners in South Australia, recognised that, when we have a disease to the point of control that we have in recent times with footrot, the Act should not be ignored and, if anything, its application should be applied more vigorously, any loopholes that are likely to be exploited, overlooked or ignored should be filled and, generally, the application of the law applied progressively more rigidly towards the clean-up of such diseases.

I will not go to great lengths now to explain the enormous impact on the rural economy of diseases of the kind to which reference has been made during this debate. However, I can assure the House that, in the interests of that community and the community at large, it is our job, and I believe our obligation, to keep in step with the requirements of such disease control and to make such amendments as are required from time to time to ensure that the administrators carry out our wishes in that direction. I have much pleasure in supporting the second reading of the Bill and express appreciation for the support of the Labor Party in this instance on behalf of all those on this side of the House.

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

JUSTICES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 16 November. Page 1865.)

Mr MATHWIN (Glenelg): I would like to thank those members who have taken part in this debate on what I (and I think they) believe to be a very important matter. I thank them for their support. I think most people agree that the Bill would give the Government the right to oppose bail in certain cases. It provides the Government with the right to do that, a right that is now available in regard to sentencing where it is considered that a sentence imposed might be too lenient. The member for Hartley, as Government spokesman, in fact agreed that there was a need for legislation of this type, and he was sympathetic with the tenets of the Bill. I also want to express my appreciation to the member for Hartley for the discussions he had with me on the matter and for his suggestions in relation to amendments to the Bill that I now have on file.

I must say that I am most disappointed by the intimation given by the honourable member that the Government will not be supporting the Bill. A reason given was that a review of the Justices Act is currently under way and that there is a possibility of bringing in a special bail Act. I realise that those things are occurring, but I am very worried about the length of time that that will take. I think there is an urgent need for something to be done in certain cases where people are released on bail. That is why I would like this Bill passed. We could then deal with other matters as they come forward.

The House divided on the second reading:

Ayes (22)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin (teller), Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold (teller), Bannon, M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Second reading thus negatived.

PLANNING ACT

Adjourned debate on motion of Mr Blacker:

That the regulations under the Planning Act, 1982, relating to vegetation clearance, made on 12 May 1983 and laid on the table of this House on 31 May 1983, be disallowed.

(Continued from 26 October. Page 1378.)

The Hon. D.C. WOTTON (Murray): Prior to seeking leave to continue my remarks on a previous occasion, I was referring to the policy previously brought down by the Liberal Party in regard to vegetation retention and reafforestation. I suggested that the present Labor Government's existing controls over native vegetation, while desirable in their conservation objective of retaining maximum native vegetation, are having economic effects on primary producers. We have now had an opportunity to gather in quite a bit of information that suggests that that is the case. I will refer to a couple of examples later. This disallowance motion is the only vehicle that the Opposition has to facilitate debate in the House on this subject. The regulations were brought down without consultation. I understand why that should be the case, as with a subject like this it is impossible to consult.

We all recognise that, but I think it is important that an opportunity be provided for the matter to be debated in the House. That is why the Opposition has brought the matter before the House at this time. I also indicated previously action taken by the former Government during its term of office in recognition of its responsibility concerning the need to retain native vegetation and also the need to replant vegetation. It did a great deal to encourage people to do this, not only in rural areas but also in the metropolitan area, through the Greening of Adelaide Programme. The present Premier seems to want to take some pride in suggesting that he introduced that programme. The programme has now been going for some time, and I am not worried about what the Premier says as long as it is successful. Since we introduced the programme, it has been continuing successfully.

We were keen to provide incentives for people in rural areas who had native vegetation on their land to enable them to retain that vegetation and to encourage other landholders to plant vegetation through a reforestation programme. Unlike the Labor Party in this matter, we have recognised the need for compensation to be paid to landholders who are disadvantaged as a result of this scheme. Many landholders have found that their viability has suffered tremendously as a result of these regulations. It is not only that: I understand now that the matter of collateral on property is being affected substantially as a result of these new controls, and people who have wanted to develop their

properties in various ways and to use their properties for collateral purposes are now finding that they are unable to do so.

One example of what I have just referred to comes from a person in my district who has a son on a property in the South-East. The son is quite genuine in his desire to improve the property on which he and his family are living. He has no other interests professionally, and the family purchased the property some time ago so that eventually the son could develop it into a worthwhile venture. They made an application to have a certain area of land cleared, but have been told by the Department that they can clear only a small section. The letter, which was sent to the South Australian Planning Commission, states:

In reply to a letter from the Department of Environment and Planning I would like to take this opportunity of expressing my feelings in regards to contents of same. I have no hesitation in stating that the recommendations are most devastating and surely can only be made through lack of knowledge.

We acquired the land in question in 1973, previously we had farmed at Sherlock since 1964. When purchasing this land the Department of Lands would not allow a subdivision of less than 5 000 acres as this was the area considered necessary to make it viable in this location. Now with no consideration to the owners, another Government department imposes regulations to prohibit using nearly 1 000 acres. It seems criminal to me that a Government department whose employees understandably have limited knowledge of the farming enterprise and who themselves work a 40-hour week with all the benefits of annual and public holidays, have the power to control the person who is prepared to work a seven-day week from daylight to dark without taking any holidays, in order to make the farm a viable proposition. Where is the incentive when one is told that nearly 1 000 acres must be abandoned? I find it hard to believe that any regulation can be enacted requiring 46.9 per cent of a given area to be left in its natural state.

The aerial photograph does not define exactly what the flora of the area represents. When a representative from the Department came to the property my son drove him to the area. The person concerned did not spend very much time, in fact very little time, to inspect the area. It leaves me to believe that the Department is requesting landowners to not only comply with a regulation but also to fund the regulation. Market price of this land is $40 an acre. If these regulations are to be adhered to will the Department compensate for this $40 000 loss? Who will pay for the council rates and water rates as an on-going cost on what will become worthless land? The cost of fencing also arises, not to mention the impossible task of subdivision for the movement of stock in the area in question. We have been commended by council inspectors for endeavouring to contain the vermin problem, but if a large area of native vegetation is left along boundaries, who is to be responsible for eradication of rabbits? These are questions which need to be answered before regulations are gazetted.

If an endeavor had not been made to retain natural vegetation it would be understandable to have restrictions imposed, but a total of approximately 420 acres has been retained with a further 336 acres in future planning. There has also been a pine tree planting programme carried out on 10 acres.

I would like to point out that we are not just a company involved in land clearing for the purpose of business investment. My son is endeavouring to make it his living, and he and his family accept the challenge of making their home in quarters built into the end of a shed. It is time for Government to give a fair go and put incentive back into the pipeline. I feel sure that if positions were reversed it would not be possible to take away one-fifth of a Government employee's salary.

I reiterate that a farm has to be viable and if a study is made of the map it will be noted that with what has already been left in natural state, together with your proposition, it would make it impossible. Our application shows that we are prepared to retain a further area of 336 acres. Further discussion is considered necessary on this matter as it is just not acceptable that nearly one-fifth of the land can be taken away in this manner.

That is a fairly lengthy letter, but I believe it sets out clearly the attitude of landowners to this regulation. We believe there is a necessity for compensation to be paid. The fact that the present Planning Act makes no provision for compensation (which is what we are continually told) does not mean that the stipulation is morally right and should not be changed. I have suggested before, and I would hope when we look at amendments to this legislation, that this matter will be considered.

Large areas of native vegetation reserved from agricultural development, as opposed I would suggest to strategic strips left for sheltering stock, husbandry, and stock mitigation purposes, can be a liability, and I think that has just been spelt out in the letter I have read. If primary producers are required to set aside areas of native vegetation and because of this they are financially disadvantaged, we believe they must be compensated. Successive State Governments in Western Australia have reimbursed farmers for well over 200 claims for compensation when refusals to clear native vegetation have been made. I understand that in that State the objective of the compensation scheme is clearly established, that is, to restore as near as possible the previous prospects of a farming enterprise affected by clearance controls.

I do not have the time at this stage to go into a great deal of detail about this particular subject, but we have made quite clear what our own policy is in relation to this matter. Liberal Party policy is that in broad-acre development of land deemed suitable by the Soils Branch of the Department of Agriculture for development the landholder may be required to preserve from clearance up to 10 per cent of the land proposed to be developed in each separate location without compensation. We have indicated quite clearly that the Department of Environment and Planning should be the responsible Department for delineating areas of vegetation to be retained.

But, where a Government agency requires further preservation of uncleared land, either the land in question will be acquired by the Government or the landowner will be compensated. We believe that to be very fair. Nobody can say that we are not attempting to achieve what the present controls are attempting to achieve, but we believe that, if the vegetation is to be retained and people are disadvantaged, we must recognise that and assist those people. We also go on to say that the land involved will be fenced at Government expense. Compensation and fencing will only apply to land deemed suitable for agricultural pursuits by the Department of Agriculture.

In closing, I make the point that I made when I first started, namely, that in supporting the motion I do not want to see the regulations thrown out. I can recognise the massive problem we would have in this State if that was to be the case because, with the feeling that some of the agriculturalists understandably have, I know that if the regulations were thrown out massive clearing would take place. We have asked for the mechanism to be changed: that has been made quite clear in the comments I made previously and also in the comments made by other speakers. The mechanism is referred to rather than the throwing out of those regulations. We need to recognise the disadvantage being caused to people, particularly in rural areas, as a result of these controls being brought down without some form of compensation.

Mr MEIER (Goyder): I wish to briefly add my support to the motion. In the electorate of Goyder many landholders are being affected by this legislation. Other speakers have pointed out (and I re-emphasise) that such people are losing real money. The capital value of their land has decreased, yet there is no compensation. Certainly the controls brought in were too severe and too restrictive and, now that they are in, it would be almost impossible to take them off without massive clearing occurring overnight because the fear would be there that they would be introduced again. Who could blame any landholder for going all out to clear his land to maximise his income from it?

It is a shame because so many of these vegetation areas are relatively remote; the more settled parts of the State have been so for many years and it is only the marginal lands away from settlement that still have much natural vegetation. From that viewpoint it is not as though the State is receiving some great heritage, and it is not an area to where thousands will flock to see natural vegetation. It is too far away in many cases, so that will not occur. The whole idea of keeping vegetation is to keep as much of the natural environment in place as possible. Therefore, as the shadow Minister has expressed already, reafforestation should have been thought of much more than simply holding on to what is left at present.

The current vegetation clearance controls produce other problems. We saw what happened in the Ash Wednesday bush fires. I have seen examples this year where there is real concern about the lack of fire prevention near some of those forested areas, first, because of the excellent season we have had and the massive growth of burnable materials on the roadside and, more importantly, access into the wooded areas. If fires start in some of these non-cleared areas, it will be almost impossible to put them out this coming season. For that reason, there will have to be a rethink to some extent to allow areas to be cleared so that we will not have the huge fire which exists at present and which will increase with the coming summer.

The situation is all the more disappointing if one wants to look at it from a political viewpoint in this Parliament concerning a debate on the north-south freeway. One of the main arguments put forward in that debate is the fact that the former Government was accused of being prepared to take people's homes away from them so that a major transport corridor could be built. Let us remember that those people would have been compensated in monetary terms. They would not have lost in the real sense, yet, in this case we find the Government deciding to keep vegetation where it is, but it could not care less about any monetary compensation.

On the one hand, it seems to be protecting the rights of people but, on the other, forgetting about the rights of other people. One could easily point to a political situation here where, without exception, all areas in the State affected by natural vegetation clearance would be in districts of non-government members. However, I do not wish to labour that point because I am concerned about the natural vegetation in the State as a whole. I would hope that we would reafforestate as much as possible. Let us be sensible about it, particularly at a time when the rural industry has come out of a severe depression and drought and the whole State is trying to recover economically. Why bring in more restrictions so that less production can occur? It is a great shame.

The motion stipulates natural vegetation. Yet, we can look at some of the areas at the bottom of Yorke Peninsula and find that much of that vegetation is not natural but rather secondary growth, in strict terms. Looking at an aerial photograph, one can see that it is clearly secondary growth: it is relatively sparse and certainly has been cleared in earlier times but has regrown. The farmers have, to date in all cases, been prohibited from clearing further. In fact, the three months has expired and nothing has been heard, which means that the clearing has not been agreed to. I would hope that the Government would give further consideration to this regulation so that these rural people will not be affected financially as they can be currently. I urge the Government to reconsider.

The Hon. B.C. EASTICK (Light): I rise to record my concern at the pressures placed on large numbers of members of the community, not least a number of my constituents. Like my colleague the member for Murray, I recognise the importance of there being in place a series of regulations which provide the necessary control. Regrettably, however, the degree of consultation so necessary in relation to the regulations outlined in May 1983 was inadequate, and the consequences have been quite devastating for a large number of members of the public.

It has also had a very serious effect upon members of the Department. Undoubtedly, the morale of these people is low because of the abuse that they have received. Whilst I do not condone abuse, I recognise some of the reasons why that abuse has arisen. They were seeking to do their job and they were forced into a position of having to defend a piece of legislation, albeit a regulation, which was totally impractical. It could be demonstrated as being impractical by people who have lived in the field and have relied on vegetation clearance for all of their working lives. They were suddenly being told that it was a new ball game and they would accept it or else. It was the 'or else' threat used by some members of the staff of the Department which regrettably created some of the confrontations which subsequently occurred.

I remember some years ago sitting beside Mr Harold Salisbury, the then Police Commissioner, well known to people in South Australia. In talking in general terms he relayed to me the soundest piece of advice that he had ever received. It was given to him by his first Chief Constable when he was a relatively new member of the constabulary in the United Kingdom. The advice was that it is when one starts putting theory into practice that one's difficulties begin. I believe that it was the attempt to put theory into practice in relation to these regulations that caused a great deal of the havoc that has been well to the fore in this case.

I also refer to a statement that I made in this House earlier this year by way of contribution to a debate. On 21 September, at page 1000 of *Hansard,* I drew attention to the fact that I believed that the Government had embarked upon a course of action without first making sure that it had the personnel to allow for the proper performance of that action. At that time people applying for vegetation clearance were experiencing problems similar to those witnessed in South Australia during the early to mid-1970s, with rather massive changes to the subdivision laws and a number of procedures associated with the issue of titles.

Some people had to wait for two years; certainly 18 months was not unusual and occasionally it was longer than two years. That caused a great deal of difficulty and very heavy expense to a large number of young people. In fact, it sent a number of builders to the wall because they in good faith commenced to build homes for young people in the belief that titles would be issued by the time the house was ready to be lived in. The banks, because the titles were not issued, refused to provide the loan money for the house. That created a stalemate situation: a finished house, no money for its payment, and an inability by the young people who had commissioned it to move in until they paid over the money. It was a very unhappy situation.

The same unhappy situation, I suggest, has arisen in relation to these regulations. The situation was not helped by the fact that people were invited in late April or early May to place on record their requests for permission, which they did within a matter of days. They subsequently waited for consideration of their applications, many of them until September and October.

Regrettably, many of the applications were returned along with what could be regarded as threatening letters: certainly they were very lengthy and rather legalistic, and they caused even greater confusion. I would be happy if the Government accepted this experiment (and I suggest that it has been an experiment), as an eye-opener. Having made one mistake, the Government should not be foolish enough to make the

same mistake twice. The Government had discussions with the Local Government Association and the United Farmers and Stockowners in relation to the adjustment of regulations to provide for more workable and practical methods. As my colleague, the member for Mallee, has said, the Opposition fully supports a legitimate programme. We will provide the necessary support to see that a programme is undertaken, but a much more practical approach is required. I suggest that the Government should undertake a reassessment programme at the earliest possible moment.

I considered reading into the record some of the letters that went out over the name of Mr E. Vieriatis (although they were not always signed by him). Mr Vieriatis was the Administrative Officer at the Vegetation Retention Unit of the National Parks and Wildlife Service. I am in possession of one letter signed by E. Young, for Mr Vieriatis. The letters were lengthy and suggested that people should either accept the direction that was being given by the Department or they would have to take the matter to court. It is never wise to suggest that to anyone, particularly when they are attempting to comply with a department's laws. It might not have been the actual intention that they were being invited into court, but that was certainly the impression that was left. That approach caused a rather grey division, which will take a long time to heal. One person was advised that his application was refused, in the following terms:

> The Vegetation Retention Unit is unable to recommend approval of your development application on the basis of the plans and information you have supplied with your application. This is primarily for two reasons:
>
> 1. Legal opinion has advised that a planning consent must be based on the proposal submitted by the applicant. It is considered that the information and plan you have provided is not sufficiently precise to be used for proper consideration of your proposal.

The precise information required was an aerial photograph overlaid with tracing paper and definitively traced. I ask you, Mr Acting Speaker, how a normal person in the field would have direct access to an aerial photograph or could have been expected to know that such material was available. People who had for years, in interface and interaction with their councils, drawn maps on pieces of paper (they were quite definitive for practical people and were understood by them), and who then had this sort of decision conveyed to them found it hard to believe.

The second ground for refusal was:

> 2. The Vegetation Retention Unit does not substantially agree with the proposal you have submitted. Recent advice has indicated that any consent (with or without conditions) must substantially approve of the proposal otherwise consent must be refused.

In both letters the word 'substantially' was underlined. The letter continues:

> From the above, it is clear that to allow further consideration of your application you will need to redefine the area you wish to clear and any conditions you wish to place on that clearance.

That request was made in the middle of September, after the applicants had made their documents available to the Department in late April. It was not until the middle of September that the Department made that request.

The Department also made other suggestions relative to how the application might be made. The Department supplied a photocopy of an acceptable map: its definition was in a form far different to that which could be expected from a person who was not a geographer or who has not studied art at school.

An element of reality is starting to appear in the application of these measures. I trust that there will be a greater air of reality in relation to the adjustment that is necessarily required. I welcome advice from the Minister at the earliest possible moment that that adjustment has been made. Many of my constituents have been woodcutters in the Mount Mary, Robertstown, Morgan, Bower areas for many years. Many of them are third generation woodcutters working the same area of land. They respect the fact that their harvest is dependent upon the way that they manage the resource, that is, the Mallee scrub. Being tied in to some of the directives to which I have alluded is beyond my comprehension. I trust that we will never see it again. We want practicality extended to realistic direction, and realistic dialogue with the people in the field.

Mr EVANS (Fisher): I support the motion. Later I will refer to three families who are affected by this measure. When a measure is introduced that does not affect us financially or destroy most of our assets we, as politicians, and also the public servants involved, do not really give a damn about the individuals involved. The Minister said in this House that this is a planning matter. Quite often when planning laws are changed, people are either adversely or at times beneficially affected financially. I do not disagree with that.

However, if one owns a piece of industrial land and it is rezoned residential, it is not a total loss. I wonder how a member of Parliament would react if his home was classified as unfit to live in, even though he considered it to be satisfactory and, according to a regulation, it could not be made fit to live in. I pose the same question in relation to a piece of land that a member might own, which cannot be built on because the zoning regulations do not permit any building to be carried out on that land. The same argument can be extended to public servants who tend to promote this type of thing; and it can even be extended to the conservationists, who go to the other extreme. This is a real test of our sincerity and honesty.

I have said many times in relation to acquisition laws that, if land is to be acquired for the benefit of the majority of South Australians, both present and future, the majority should pay the bill. Why should one or two individual landholders be forced to pay the bill? It is easy for Ministers or shadow Ministers to say, 'We must not touch certain land because it has natural vegetation, let the landowner carry the burden; the State cannot afford to pay the bill.' We are also told that the State cannot afford to buy property.

I refer to one example—and I have written to the Minister about it—where I helped to lodge an appeal. Three families purchased a piece of land 18 km outside of Murray Bridge. The people involved are not rich and were forced to mortgage their three homes. One of the individuals involved left school at 15 and worked in a food shop, another worked in a sports store at 16, and the third was a labourer on a building site at 16. They formed a small cartage business. However, the larger firms used cut-throat tactics and reduced their rates, forcing the three partners to lose some business. As a result, about 12 months ago they bought 1 500 acres 18 km from Murray Bridge. Two hundred acres of the property had been cleared and they wanted to clear another 550 acres. When the time came to do that, they found that a regulation had been introduced which prevented any further clearance on their property. As a result, they had 1 300 uncleared acres and 200 cleared acres. Their commitment to the bank was about $600 a month. The bank said, 'Now that you cannot clear your land what will you do with it—it is valueless. Who wants it?' Nevertheless, the State says that they must keep the scrub for the benefit of society, both present and future.

I have no qualms about preserving any part of the State considered to be of benefit to the community, both in the long and the short term, but let those who want it to remain that way, that is, the people of the State, acquire that land. It should not be left to a few individuals to carry the total burden. I do not agree with what has happened in the case that I have mentioned because the three young couples (with

an average age of about 40 years) will lose everything if they are forced to sell their homes. I say that that is improper. The State should be prepared to buy the land and, if it is not required for a national park, sell it with a condition on the title that the land should never be touched. At least that would preserve the land and the individual would not have to carry the burden.

I ask all honourable members to imagine themselves in a similar position: of starting work as a shopkeeper for a mere pittance, reaching a point of developing an asset for the family, only to have someone take it away. It is the same thing as saying, 'Take the money out of the bank and keep it': it is no different. The Government, and Parliament as a whole, is virtually saying, 'That is all right, bad luck.' I am happy to have the land preserved, but as a Parliament we must ensure that the land is paid for. If the State wants to sell the land with an encumbrance on it or have it valued in its uncleared state, it should pay the owners the difference if the owners are not able to clear it. Let the Government pay the burden of preserving what it believes is important for the State: that is justice, or as near as one can get to it.

However, because very few of the 47 members in this Chamber and the 22 members in another place are affected by this measure, the majority believes that it does not matter. However, if it occurred in a member's district, affecting 90 per cent or 50 per cent of the people, the member would not allow it. We would not have the intestinal fortitude to allow it, and we would argue if the other side tried to do it. We would argue that it was a shocking thing and should never be done.

There are many newspaper reporters who say that it should be that way, who tend to reflect that attitude. Let them make the same contribution by sacrificing their homes and land. They, too, are hypocritical in their approach because conservation happens to be a nice newsy story. They are not fair, either. It is not a decent argument, and I stress that fair compensation is what counts. If the State wants to obtain land for the benefit of the State, there is nothing wrong with that.

I strongly support the resolution. However, it saddens me to think that in one case three families are placed in a position of having to go to a conference, in all probability undergo an appeal, an even then, should they manage to have half of their land cleared, they may still not come out of it well enough to survive. I think that it is improper for a government to legislate to take away people's assets: that is what is happening in this instance. Members of the news media seem to support the action which the present Government is taking, probably because they themselves are not affected as individuals. I hope that one day those responsible will suffer in the same way. We will then see whether or not they squeal and stand up for the same sort of principles when it is their pockets that have been affected.

Mr LEWIS (Mallee): I support the proposition put by the member for Flinders and, in so doing, I point out that the introduction of these regulations in their present form has caused a great deal of worry and concern to the people that they have affected, and that has been quite callous. It has been callous in many ways. Other speakers have pointed out how particular landowners (who purchased land requiring the clearance of native vegetation to allow for agricultural production) now find themselves in a position where they have lost their capital investment in the land because they are unable to clear the land and bring it into production, and no-one else will buy it. I will explain later the vast difference between land in the production cycle and land which is used only as a site upon which to erect buildings for the purpose of conducting some manufacturing or service business.

I refer to the worry and concern that has been generated as a result of these regulations. Of course, very often because the land in its uncleared natural state is cheaper, young men have been able to acquire it knowing that they will be able to bring it into production progressively throughout their lives. They can afford to do that by using their own labour in a capitalised form, to develop the land as and when opportunities within the seasonal and cyclical work of the farm permit throughout the year.

In addition to the loss and the literal confiscation of that portion of their equity, we find that they still have to pay all council rates on previous valuations. No consideration is given to how they might be able to appeal against the rates they must pay and the other taxes based on the valuation of their land. That assessment is now calculated on a fictitious figure; it was realistic before these regulations came in. It is no longer a realistic figure because, of course, no-one wants to buy uncleared scrubland. Such land has no useful amenity to any particular person or group of individuals. However, if someone is prepared to invest money in an old building or some other part of our heritage the aesthetic appeal can often enhance a property's valuation over what it would otherwise be if it were demolished. A classic example is the old A.N.Z. Bank (Edmund Wright House). A farm in an uncleared state is worthless, yet rates and taxes must still be paid on its assessed value (before the introduction of the regulations). No appeal against the cost of those charges is entertained in the regulations, nor in any other legislation, to compensate the farmer.

It would have been fairer had we done just that. Furthermore, farmers are required to control pests, such as rabbits and weeds, found amongst the native vegetation. They are required to do that at their own expense. They are not permitted to graze agricultural animals to control weeds: they are required to do it by other more sensitive means that will ensure the survival of endangered species of vegetation and animals. One cannot use chemicals, either. Although it is irresponsible, I know of a number of instances where people have had their land clearance plans halted as a result of the legislation and these regulations. Although it is irresponsible, they simply turn in the sheep, which has a devastating effect upon the herbage, native orchids, and so on. I have discouraged as many of them as possible from spraying entire areas with a soil sterilising herbicide. That action not only wipes out the herbage but also the perennial vegetation. It is quite devastating because it wipes out everything and it is impossible to re-establish the vegetation level for some years. There is no way in the world that we can possibly even attempt to prevent that course from being followed. We do not have the army of inspectors who would be necessary to prevent that from happening, let alone collect evidence that it had happened in the circumstances that I have described, where mysteriously all the native vegetation dies out along with the native fauna that lives amongst it.

There is also the way in which farmers are disadvantaged and thereby worried and concerned, compared with what they would have been had they taken a heritage agreement on the vegetation or been able to get a heritage agreement on it. At least when my Party was in Government landholders could preserve large tracts of native flora by taking a heritage agreement on it. The landholder was also compensated for the cost of perimeter fencing around the native vegetation to prevent entry of farm animals and rabbits and the establishment of weeds. The regulations do not envisage any kind of compensation.

Let us consider the effect of the regulations upon the principle which predicated their introduction. The principle was an attempt to ensure the survival of the maximum number of endangered species, both flora and fauna. How-

ever, it has had exactly the opposite effect. Interstate, in Victoria, only a matter of a few metres away from where vegetation clearance control regulations are enforced in the Mallee and throughout the South-East, hundreds of square kilometres of land have been put under the roller out of a fear that similar regulations will be introduced under new planning legislation in that State. A similar situation has arisen in New South Wales in similar ecosystems. Therefore, the overall consequences of the introduction of these regulations in this country in this surreptitious fashion has been to do far greater damage to the survival prospects of native flora and fauna than would have been the case if we had strengthened the heritage agreement in some way. Therefore, it has been very much a counter-productive exercise. It has not helped in our desire for an increased survival prospect in relation to endangered species of animals and plants.

In the limited time available I will quickly address the problem which arises in relation to land in rural production as compared with land in urban situations. By 'urban', I mean within a town, whether Adelaide or a provincial town, such as Lameroo.

The regulations were introduced under the Planning Act to ensure that the built up environment of urban areas is aesthetically acceptable. They were intended to be a means by which the environment in which we live can be enhanced so that in future levels of violence within the community at large might be reduced having regard to the fact that people respond more favourably to a pleasant environment than to an unpleasant one. That is the philosophical reason behind the Planning Act and regulations under it. In an urban situation it does not really matter what the land is like; that is an insignificant part of the total cost of the production cycle and of the way in which the production cycle continues in a factory, office or in any other urban economic activity.

However, rural land is vital; it is an integral part of the production process. Without it no production will occur. The soil type is an essential characteristic in determining what can be grown and how well it can be grown. The latitude of an area and climatic factors affect that also. The land itself by virtue of the unit area available in any given situation, determines the amount of productivity. On a farm, land is an essential part of the production cycle, like a machine, such as a lathe or a typewriter is in a factory or an office. That is the role of land in the production cycle in the rural environment, but it is not the role of urban land in the urban production cycle. There is a vast difference. One concerns land being a site to occupy in the carrying out of a process where it does not matter about the rainfall or the soil type, or anything else. The other concerns land which essentially determines what plants can be grown, what animals can be grazed and how many of them there can be per unit area.

The Government, in introducing the regulations in this way, has failed to recognise that. It has simply said to farmers, particularly young family men (who happen to own a majority of the rural land and who otherwise would have become viable in their production output), 'Too bad, go to hell, you cannot use the land.' In many cases they have acquired the leasehold of their properties on the understanding that, at law, they would be required to undertake clearance of a percentage of their lease every year. The situation has changed completely without consultation and without rhyme or reason, on the whimsy of the ignorant thinking that by this means we can save some of the endangered species. What piffle, what rot! Quite obviously, as a result of what has happened that will not be the effect of the regulations at all. The contrary will be the case. I therefore urge all honourable members to support the motion. There are other means at the disposal of the Government and Parliament to more effectively achieve the desired aim.

Mr BLACKER (Flinders): I thank all members for their contributions to the debate. It is a matter of grave consequence to the entire rural community that a measure of this nature should be introduced with blatant disregard for the farming community and those persons directly involved with the land. If we were to ask people to quit their place of living or forgo their ability to earn an income there would be an outcry. That is exactly what the planning regulations do. I have some specific examples that I could refer to, but regrettably time does not allow me to do so. Many people have committed large sums of money to the acquisition of property which they had hoped would provide a means of income for them and their families for the rest of their working lives. However, by the simple stroke of a pen the Minister has determined that farmers can no longer clear any of their land. Therefore, banks have lost their security, farmers have lost a considerable portion of their life savings, and everything has gone down the drain simply because someone has determined that they shall contribute at their own cost to South Australia's heritage. Individuals so affected are being asked to stand this cost single handedly. Nowhere else around the world does this occur, other than where property is forcibly acquired for no compensation. That is exactly what has happened. That is why I call on members of the House to support my motion.

It has been stated that, if the regulations are disallowed, wholesale clearing will occur within the following few weeks. However, we all know that the Government could introduce another set of regulations tomorrow and prevent that from occurring. That is exactly what I am asking the Government to do; that is, to withdraw the regulations and reintroduce another set of regulations without the anachronistic measures which are forcing a handful of people to bear the cost of contributing to South Australia's heritage. Surely it is not unreasonable to expect that people thus affected should be compensated. If properties are acquired for a transport corridor, for example, the owners are compensated, and it is usually simply a matter of to what degree they are compensated. But that is not the case in regard to those affected by the regulations. They are being asked to suffer the consequences. However, they still must pay the rates and taxes on the land as well as their bank loan repayments. How they are to do this, no-one knows, but that is what the Government expects them to do.

In recent years the previous Government set up the voluntary retention scheme. I believe that scheme was working well, and it was gaining the confidence of rural people. There is considerable feeling within the community that vegetation must be retained and, with the voluntary retention scheme, titles were able to be noted and areas of land were set aside. The Government assisted with paying for some of the fencing required, and I understand that the Government was negotiating for a reduction in Council rates for portions of land that were to be no longer productive for the owners. That was a fair and reasonable thing for the Government to do. Those involved were able to offset expenses for that land. Even though it was a small amount, a token amount, it was offered in the right spirit. The voluntary retention scheme will obviously go by the wayside: I believe that it is still going, but I have not heard of it continuing in the way in which it was operating previously. That is mainly because the Government can now say, 'Bad luck, you cannot clear the land and you will not be paid 1c in compensation for it.' What would have happened if someone had said that in regard to taking over the Grange vineyards, for example? That is what is happening to the farmers. There have been cases of total refusal of a farmer's

application. In that regard members of the Government must take a long, clear and hard look at the whole matter.

Furthermore, I am concerned about the fact that the Minister, in the complete and utter knowledge that there were motions for disallowance of the regulations before both Houses of Parliament, allowed court proceedings to be instituted against people, thereby totally pre-empting the role of Parliament. I believe that is totally wrong. We all know that a regulation is enforceable at the time of its gazettal, but when a regulation is subject to a disallowance motion before a House of Parliament that should take precedence over a court proceeding concerning a regulation. Of course a motion before this House should take precedence, but that was not considered to be the case by the Minister who pre-empted all that. This whole thing has been a debacle. It shows the contempt that the Government holds for a minority section of the community. Shame should be on the Government for the way it has handled this matter, without the slightest hint or suggestion that compensation would be forthcoming. I ask members of the House to totally reject the regulations and to support my motion.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

Received from the Legislative Council and read a first time.

The Hon. R.K. ABBOTT (Minister of Transport): I move:

That this Bill be now read a second time.

this Bill makes an amendment to Part IV of the Motor Vehicles Act, 1959, which contains the provisions relating to third party insurance. The Bill provides that an insurer may be joined as a defendant to an action relating to damages for death or bodily injury arising from the use of a motor vehicle.

The comprehensive third party insurance scheme in South Australia operates as if the insurer does not exist; the insured is treated as the real party to the proceedings. This situation works well in the normal case but there are two classes of case where the scheme is not effective. One of these classes is exemplified by a decision of the Supreme Court in the case of *Savaglia v. MacLennan and Briggs.* Savaglia sustained injuries in a collision between two cars. He was a passenger in a car driven by MacLennan. There was evidence that both Savaglia and MacLennan had taken drugs which could account for MacLennan's erratic driving. If it could have been shown that MacLennan was under the influence of drugs and alcohol to Savaglia's knowledge, the damages payable would have been much less. Because of MacLennan's refusal to admit to having taken drugs, the State Government Insurance Commission was unable to raise the matter at the trial as they were not in fact a party to the proceedings but merely conducting the insured's case for him.

The other class of case if that of conspiracy. This involves an agreement by occupants of a car to claim falsely that a person who was not the driver was in fact driving. This may happen when a driver is seriously injured and his passenger sustains only minor injury. The object of such a conspiracy is to allow the real driver to obtain damages for his injuries when, in fact, he was the negligent party. The former Government referred the matter to the Law Reform Committee of South Australia which gave its conclusions in its 63rd report. The committee recommended that, in cases of this sort, the insurer should be joined as a party to the proceedings. The State Government Insurance Commission was consulted, and has conferred with its solicitors. Both the Government and the Commission are satisfied that this Bill provides the solution to the problem. Provision is made for the insurer to apply to be joined as a defendant to the action. The court shall not join the insurer unless it is of the opinion that there is an actual or potential conflict of interest between the insurer and the insured person in relation to the defence of the action and that the defence proposed by the insurer is not merely speculative.

These requirements protect the interests of the insured person. Where the insurer is joined, then in general terms, the insurer becomes the defendant, and the insured person ceases to be involved except for the purposes of being called by the insurer for cross-examination during the trial. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts new section 25a into the principal Act. The new section provides for the joinder of the insurer as a defendant in some cases. Under subsection (1), the insurer may apply to be joined as a defendant to an action in a case where damages are being sought against an insured person for death or bodily injury arising out of the use of a motor vehicle.

Under subsection (2), a court may only order joinder where it is of the opinion that there is an actual potential conflict of interest between the insurer and the insured in the relation to the defence to the action and, the defence proposed by the insurer in relation to which the conflict arises, in the circumstances, not merely speculative.

Subsection (3) provides that where an insurer is joined—

(a) the insurer directly assumes the liability (if any) of the insured person upon the claim in relation to death or bodily injury, and where such a liability exists, judgment is given against the insurer only;

(b) the insured person remains a party to the action only to defend a claim other than a claim for death or bodily injury, or to proceed upon a counterclaim. Where there is no other claim or counterclaim he ceases to be a party;

(c) the insured parson shall not be called as a third party to the action;

(d) the insured person is, notwithstanding paragraphs *(b)* and *(c)*, entitled to be heard in the proceedings on any question concerning the claim for death or bodily injury;

(e) where the insured person does wish to be heard, he may be represented by his own legal counsel, and his costs shall be paid by the insurer unless the court finds special reasons for ordering otherwise; and

(f) the insurer may apply to call the insured person to give evidence, and, in that event, he shall be called or summoned to appear as a witness and be liable to cross-examination by the insurer.

Subsection (4) provides that no judgment, or finding of a court, in proceedings where joinder has occurred, is binding in subsequent proceedings against the insured person under section 124a.

The Hon. D.C. BROWN secured the adjournment of the debate.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SITTINGS AND BUSINESS

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That the House at its rising adjourn until Thursday 1 December at 11.30 a.m.

Motion carried.

PUBLIC ACCOUNTS COMMITTEE

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That, pursuant to section 15 of the Public Accounts Committee Act, the members of the House appointed to the Public Accounts Committee under the Public Accounts Committee Act, 1972, have leave to sit on that committee during the sittings of the House during the next two weeks.

Motion carried.

STATE LOTTERIES ACT AMENDMENT BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the State Lotteries Act, 1966. Read a first time.

The Hon. J.C. BANNON: I move:

That this Bill be now read a second time.

Section 17 of the State Lotteries Act requires the Lotteries Commission to offer as prizes, in any individual lottery, 60 per cent of the value of tickets offered in that lottery. A proposal has been received from the Lotto Bloc, of which South Australia is a member, for the introduction from 1 January 1984 of a scheme whereby a small part of the prize pool in each individual lottery would be set aside and the accumulated amount added to the prize pool of a subsequent lottery. A similar scheme has operated in New South Wales (which is not a Lotto Bloc State) with great success and members of the Lotto Bloc are keen to emulate this success.

The specific proposal is for the prize money in the regular competitions to be set at 58 per cent of subscriptions, with a further 2 per cent being set aside for the major prize in a subsequent lottery. Over the course of time, a full 60 per cent of subscriptions would be paid out in prizes but individual competitions would normally return only 58 per cent of subscriptions.

The proposal relates only to the Lotto competition. However, the greater flexibility provided by the proposed amendment would enable the Lotteries Commission to offer the public a wider variety of competitions, while safeguarding the interests of subscribers by retaining the requirement for 60 per cent of total subscriptions to be returned as prizes. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 17 of the principal Act which provides that the Commission must offer as prizes for each of its lotteries not less than 60 per centum of the value of the tickets offered in the lottery. The clause amends the section so that the Commission will be authorized to offer lesser prizes in particular lotteries provided that the surplus produced is directed towards larger or additional prizes in subsequent lotteries. Proposed new subsection (3) is designed to make it clear that any such additional prize-money is not to be taken into account in determining whether or not the value of prize-money in a lottery is less than 60 per centum of the value of the tickets offered in the lottery.

Mr OLSEN secured the adjournment of the debate.

MARALINGA TJARUTJA LAND RIGHTS BILL

Adjourned debate on motion of Hon. G.J. Crafter:

That the report of the Select Committee be noted.

(Continued from 29 November. Page 2081.)

Mr LEWIS (Mallee): Just over 12 months ago the Premier was saying, as were all members of the Labor Party, 'We want South Australia to win.' We have seen so many measures introduced into this place since that time which do anything but make it possible for South Australians to win that I wonder whether he really meant it. I have seen little evidence that he did or, if there is said to be evidence that he meant it, this is not part of that evidence, surely. No South Australian wins by the kind of effect that this measure will have. The Maralinga Tjarutja Land Rights Bill undoubtedly does what the majority of fair-minded South Australians want it to do in that it in some part addresses the problem of land rights for those people. They are, and have been for a long time now, the traditional owners of that land. We need to remember that they are not the only human beings who have occupied it since the dawn of time.

We know now for a fact that human habitation extends back over 40 000 years—possibly close to 50 000 years—in this continent. Archaeological and geomorphological excavations undertaken in certain sites around Australia over the past five years indicate that the race of people who occupied land on this continent (Australia, as it is now called) since that beginning, or at least since the earliest identifiable period of time at which humans can be said to have been here, is not the race of people whom Europeans dispossessed.

That evidence can be found in relation to reports of digs which have been associated with the sites at Lake Mungo in New South Wales and Roonka, for instance. With carbon-dating techniques it is possible to establish that it goes back over 40 000 years and that the current race of Aboriginal inhabitants of this continent only been here has 10 000 to 12 000 years. The skeletal evidence confirms that. There is a difference.

We know for a fact, too, that the inhabitants of this continent prior to the arrival of Europeans did nothing to ensure the survival of the culture of the race they dispossessed. There are no sacred sites of that race that have been identified for the sake of posterity. There are no records in relation to the way they lived. There are no indications of the kind of lifestyle they had and no remnants of their culture were maintained in the same compassionate way as we now in this place seek to ensure that regard is given to the current race of Aboriginal people. I believe that it is appropriate for us to recognise the culture of the current race.

However, let me return to the theme relating to the way in which South Australians were supposed to be able to win after they elected a Labor Government. This measure provides no evidence of that, in that the kinds of power which it gives to people, and the powers and rights which it takes from others based purely on their skin colour make it a fairly substantial hideously apartheid measure. It denies legitimate citizens, protected by the law of this State as part of this Federal Commonwealth, access to part of this country; that is, total access. Accordingly, it is unjust. It is as bad as the same kinds of law that are to be found in places like Malaysia and South Africa, which are based on apartheid policies.

Furthermore, the kinds of dictate which can be imposed upon other legitimate interests and citizens of this State in preventing them from getting access to that land make it unlikely that they will want to explore for minerals, for instance. No other citizen or body corporate is given the

right to exclude other human beings and bodies corporate from exploring for minerals on land they may own and occupy under our lands title system, but this measure does just that. We are denying people access to it, other than on the whim of a few citizens who may be ill advised by some white advisers as to whether or not any other citizen can get on to the land. We are also denying the right to discover and exploit the mineral wealth beneath the surface, and that is in contravention of other principles of law in this country. That makes it impossible for either the general population of Australians at large, or for that matter South Australians, to enjoy any benefit, and particularly the Maralinga Tjarutja people, in whose name and interests we are said to be enacting this legislation, to enjoy the benefits of mining.

The reason I say that is that the terms and conditions under which access for exploration and exploitation would be made possible are so onerous as to make it unlikely that anybody would want to attempt such a venture, so there will be no royalties for as long as there is no exploration, because without exploration there will be no mining, and without mining there will be no royalties, so the prosperity that could be enjoyed in the particular instance of the people to whom this land has traditionally belonged (and it is prosperity in European terms) will be denied them, and yet those same people are said to be worthy of the welfare (in European terms) that a sophisticated twentieth century democratic country like Australia provides.

They would be the first to cry out 'Injustice' to all of us in the world at large if they were to be denied those welfare provisions and, at the same time, I would support their cry. However, I find it extremely difficult to reconcile the justice any of their advisers seek when they would deny the rest of the citizens who pay taxes to provide that welfare from getting any benefit from the minerals beneath the land which we are dedicating to them. After all, it is our European law and our sense of justice established under that law and Constitution which protect them from the invasion of any other alien interest or power. Accordingly, were it not for the defence provided by the Federation of the Commonwealth of Australia, those people would be dispossessed and probably murdered, even today. I have been in plenty of countries around the world where that is going on. Afghanistan is a place where it is happening right now, for no reason other than that somebody else like the Russian imperialists seeks to obtain the wealth which probably lies beneath the land surface in Afghanistan. It certainly brings the Russian imperialists closer to the Middle East oil fields and warm water port facilities by occupying that State and turning it into a puppet, as they have done in so many other eastern satellite countries in Eastern Europe.

That point being made and recognised enables us to understand that it is only through the mores and sense of morality which we in this Parliament have that this kind of measure can be passed into law, given the sanction of the laws of the land, and enforced by the agencies of this land and the society of human beings who occupy it. We are civilised and democratic. By those attributes it becomes possible for all time for us to preserve the remnants and respect the heritage of the Maralinga Tjarutja peoples in the same way as we did for the Pitjantjatjara people. So, we are not going to win much if we give effect to the particular details of this measure as proposed by the Government.

South Australians will not win by the introduction of this measure. There will be no prosperity of the kind which is sought by those people to whom the land will be given, any greater than the kind of welfare they can presently get. There certainly will be no opportunity for this Parliament to sandbag the increasing rises in taxation on the rest of the taxpayers in South Australia from the royalties that might be obtained from the minerals that could be mined from the land. There will certainly be no contribution from any such mineral mining which could be available from that country to the population of Australia at large through the income tax which would be paid on the profits made by any company which might discover and mine it.

That is whether the company belongs to a European shareholding or a part-European/part Aboriginal shareholding or an entirely Aboriginal shareholding (which does not happen to be Maralinga Tjarutja in total). Even Aboriginal people, other than those to which this measure refers, are precluded from getting access under the kinds of restrictions proposed.

As if that was not sufficient, the mining industry itself has attempted to expose the stupidity of this proposition to the people at large by pointing out, in an advertisement in the *Advertiser* this morning at page 33, under the heading 'Land Rights and Wrongs':

> The Maralinga Land Rights Bill now before Parliament seeks to grant 75 000 square kilometres of land to the Maralinga Aboriginals. In 1981 102 000 square kilometres was granted to the Pitjantjatjara Aboriginals. These areas combined are about 18 per cent of South Australia. In South Australia everyone has land 'rights' and Aborigines have as much right to land as anyone else.

That is a fact.

Ms Lenehan: Rubbish!

Mr LEWIS: They do. I was born with no more or less than any Aborigine in South Australia; probably less.

Ms Lenehan: You don't have the same affinity for their land as they have, because you don't understand their culture.

Mr LEWIS: And I wonder if you do.

Ms Lenehan: I hope I do; I've certainly studied it.

Mr LEWIS: Do not pretend to.

Ms Lenehan: I am not pretending to.

Mr LEWIS: You said you hoped. It ought to be better than hoped. I wonder how much time you have spent with Aborigines. However, I will not pursue that line. I believe that it distracts from the integrity of the argument. Comparisons between experiences of individual members to score points do not assist us in understanding the effect of this measure. The advertisement continues:

> Equally in South Australia all minerals under the land belong to the Crown (all the people) for the benefit of everyone. Under the Pitjantjatjara and Maralinga lands there just might be oil, gas, coal, uranium, diamonds, gemstones, phosphates, chromium, nickel, cobalt, platinum, copper, lead, zinc and gold. These if found and developed could bring big benefits for us all.

It has to be recognised that they would not be sought, nor would they be mined, unless human beings wanted them and needed them. Even the Aborigines themselves recognise that. The trading routes between the Northern Flinders and the Gulf of Carpentaria in gemstones and other minerals which went on for thousands of years before we arrived here clearly indicate that they well understand and, as part of their culture, have exploited, by mining, the resources they have needed and wanted and traded in those resources. That is nothing foreign to their culture: it is very much a part of it. The advertisement continues:

> We mineral explorers have to find them and then decide if it is economic to mine them! Just doing that is an incredibly expensive operation . . . and our chances are about one in 1 000 of finding a worthwhile mine. But . . . if we do . . . then it can be big benefits all round:
>
> royalty moneys to Governments for better services—

or, as I said earlier, lower taxes for all of us—

> royalties for the Aboriginal landowners to improve their welfare;
>
> the creation of jobs in the new mines and in the hundreds of industries boosted by the spin-offs;
>
> a fair return to our shareholders—

who can be anybody, regardless of skin colour—

> who have risked their savings to help create new wealth. With the best will in the world we can't mine if we can't explore, and we can't explore if the legislation results in unrealistic 'front end' money demands which make the risks just not worth it.

In that context, I am sure all members appreciate that the words 'front end' means key money: one does not get in and unlock access unless one pays something first. That is what has happened in the Pitjantjatjara lands, even though the Pitjantjatjara people at the time they negotiated with the former Government for the provisions to be made in the Bill, which we introduced, explicitly excluded from their thoughts any consideration of key money at that time. It was only their *kami kaze*, left trendy advisers who put that idea into their minds after the passage of the legislation through this Parliament. I continue to quote:

This is what has happened on the Pitjantjatjara lands. To make the new Bill work for us all it needs changing. We want it to provide for strict controls on how mineral explorers work on Aboriginal lands, to protect all sacred sites and the way of life of the people. We don't want the Bill to result in an impasse over huge money claims for compensation.

But, indeed that is what will happen. No South Australian will win if that happens. The advertisement continues:

We want compensation for damage to the lands to be paid under the provisions of the Mining Act which safeguards the interests of all South Australian landholders—

in similar circumstances—

Write, phone, or telegram your M.P. today if you don't want to miss out on the benefits from development of your State's minerals.

I have been very busy today, as a glance at the record of proceedings of the House earlier will indicate, and I have not been able to spend much time in the office.

The Hon. Ted Chapman: Flat as a strap.

Mr LEWIS: Indeed, I have been flatter than a strap. However, I have had it drawn to my attention—17 callers took the trouble to call me at Parliament House. When one considers that they live outside Adelaide in areas with an S.T.D. code, that is no mean demonstration. Bear in mind also that the communities in which they live are also going flat as a strap in the big paddock getting in the best harvest this State has ever seen, but they still found time, after glancing through their morning paper or otherwise hearing that this measure was before the House, to ring my office and express their views, all of them in support of the measure, so long as it does not deny South Australians access to the wealth they might derive from any development that could take place in the mining industry in those lands.

The Hon. Ted Chapman: So long as it applies to the black and the white.

Mr LEWIS: Indeed, they are very much a compassionate people: they want a fair go for everybody regardless of skin colour. They are not racist, not like this Bill. It cannot be said that this Bill is anything but racist: it establishes and entrenches the principle of apartheid in our legislation, which is shameful. To try to make things fair, whilst recognising the necessity to give titles to the traditional owners of the land and, at the same time, ensuring that all South Australians can have access to it and to the national park which it encompasses, members of the Select Committee, the Hon. Peter Arnold (the member for Chaffey) and Mr Graham Gunn (member for Eyre) tried to move a number of amendments to the draft report of the Select Committee at the meeting of that committee held here at Parliament House on Wednesday 16 November.

Those amendments set out ways in which it would be possible for all people, all South Australians, to be able to drive on to—to have access to——the lands, and to see part of their State which belongs to them, regardless of their skin colour or racial origins. The members concerned sought to establish thoroughfares of the kind that would ensure that, whilst people could drive through on those thoroughfares, which would be what are in our laws called in common terms the Kings Highway, they would be prevented by law from straying off those access tracks or roads.

However, the committee said 'No'. The Chairman voted with the other two members of the committee, who are both members of the Labor Party, and said, 'No, we will not have that; you cannot have access.' Some attempt was made to ensure that the residents of Cook, whether black or white (black being those people who are not members of the Maralinga people, the residents of Cook—every Australian citizen, other than the Maralinga people) could get access to the lands that they have traditionally exploited since they settled there. I do not know what difference it makes if one settled there 50 years, 200 years or 10 000 years ago. Why should one be treated differently depending on the time that one arrived there? I do not really understand why there has to be one rule for one person and another rule for someone else. However, the member for Eyre tried to move an amendment which would take care of the necessity for the people of Cook, including the rabbit trappers, to be able to get access, but the A.L.P. members said, 'No, we will not have that.'

It is quite incredible to note that, in the next amendment which the member for Eyre attempted to move to the draft report, he sought to allow the traditional owners the right to invite on to the land any persons they wished as their guests, without their having to obtain a permit. It meant that the traditional owners might want to invite other Aboriginal people on to their land, and again that proposition put to the committee was refused. The A.L.P. members said 'No, we will not have that; it is not on. You cannot do it.'

There are some existing tracks and roads through those lands at the present time. White people have been traversing those tracks and so have black people who are not members of the Maralinga group of tribes. Mr Gunn sought to ensure that those tracks already established ought to continue to be accessible to all South Australians. If other roads cannot be made, then we should at least retain those already there, but Labor members of the committee said, 'No, you cannot do that, it is not right. It was all right yesterday and it will be all right tomorrow, but if the Bill passes in its present form it will be wrong. It will be against the law. It cannot be done. It is wicked!

The boundaries of the land were the subject of the next amendment by which the members for Chaffey and Eyre attempted to get some more sensible and sensitive definition. That had already been agreed in the course of consultation with the people from whom the committee had taken evidence, as the record of the evidence will show; but, no, the A.L.P. members were just as intransigent as before: they decided that they were having a 'no' day, so they said 'No' again. The next measure which members for Eyre and Chaffey attempted to get some sensible amendment to in the draft report of the committee said:

Your committee recommends that the provision of the Mining and Petroleum Act should apply to any exploration on the lands.

But again, the Labor members of the committee said, 'That is wrong, we will not accept it—no.' The next measure involved who should own the land—in whom the title should be vested.

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

Mr LEWIS: The Lands Trust was suggested but that was over-ruled. An attempt was made to move an amendment, and I quote from the minutes:

All existing roads in land shall be public roads and the Highways Commission shall create road reserves of up to 200 metres wide, and any member of the public may use the roads without the necessity of obtaining a permit; and any person who strays from the road reserves will be guilty of an offence under the Bill. Any person who is refused the right to travel through the land has a right of appeal to a local Magistrates Court and the decision of the Magistrates Court shall be final. The office to be established

both at Yalata and on the land for the issue of permits and that permits will not be propitiously held.

Again, the A.L.P. members of the committee said 'No', as they also said to the provisions of the Mining and Petroleum Acts. So, South Australia will not win very much; with respect to these lands, it will not even have what it had before this Government was elected to office. I said at the outset that no-one denies that the Maralinga people are justly entitled to have rights to the land they have traditionally owned, but to put such provisions together in the form of this Bill is to deny any sense of natural justice to the other law-abiding citizens of South Australia, and to deny the prosperity which those people themselves, as well as every other South Australian and Australian in the general context, could derive from any minerals which might be there. If this measure passes in its present form, they will never even be discovered, let alone exploited.

Mr BAKER (Mitcham): My concern about this measure relates to the Government's philosophy on Aborigines. Whilst my colleague has brought to the attention of the House many difficulties with some of the provisions in the Bill, particularly the alienation of the land which vests in a certain group of people rights not available to other people in South Australia—

Ms Lenehan: What about the original alienation?

Mr BAKER: The member for Mawson continues to open her mouth in a way in which she sometimes deserves to have it plugged. She talks about the original alienation. I was going to speak very briefly on this Bill, because what I had to say got to the heart of the matter. What are we aiming for in the long term for the development of the Aboriginal population? If the member for Mawson continues to say, 'What about the original alienation?' one could go through every country in this world and say, 'What about the original inhabitants? What about the original rights?' If the honourable member thought about it for five minutes (and she does not really think about much at all), she would understand quite clearly that alienation has taken part in world history over the past 5 000 or 10 000 years. If one wants to go back in history, one can find out what has happened. However, one wants to go forward in the world, do the right thing and look for solutions.

Members interjecting:

The SPEAKER: Order! I ask the honourable member for Mitcham to resume his seat. The whole spectacle is hardly becoming, and I ask all honourable members to refrain from interjecting. The honourable member for Mitcham.

Mr BAKER: It was supposed to be a serious speech which was directed towards the problem—

Mr Mayes: We hadn't noticed.

Mr BAKER: The member for Unley never notices very much at all, but we do notice that, although he does not spend much on haircuts, he claims a lot. Let us not make a farce of this Bill. We are seriously debating a measure which will dictate the long-term development of a sector of the community for which we should have stern regard and which is disadvantaged. What we are proposing in this Bill is some sort of remedy, and I will admit that the Liberal Government in its wisdom set a pattern of development. It believed that rights pertaining to Pitjantjatjara lands would provide not a solution perhaps but at least recognition of Aboriginal development as a separate entity. I cannot totally concur with that judgment, but at least let us consider the issues.

Perhaps if people want to look at a bit of history and other forms of development where similar problems have arisen, they should refer to other countries where land has been set aside for development for particular people who could be classed as original owners. At least I looked at what was happening in America and Canada, because it is much the same as our own situation. We have original inhabitants who were dispossessed. They have a socio-economic status which does not provide as well as in the case of later inhabitants. How did other countries get over the problem? The problem remains even in those countries which tackled it much earlier. I refer to the *World Book Encyclopaedia* 1980 edition in relation to Indian reservations in the United States, as follows:

> The nation's approximately 285 Federal and State Indian reservations cover over 50 million acres (20 million hectares) in about 30 States.

That is about 100 000 square kilometres. By the way, in relation to the extra section annexed to the Tjarutja lands, compared to the area provided in America, about a quarter of the land is provided in this one additional annexation included in the Bill. The quote continues:

> About 800 000 Indians live in the United States. Almost half of them live on reservations.

The Hon. G.J. Crafter: How much money compensation have they received?

Mr BAKER: Wait for it. The quote continues:

> Indian reservations are owned by the Indians and are held in trust for them by the Federal or State Governments. The Bureau of Indian Affairs, an agency of the Department of the Interior, manages most of the Federal programmes on reservations. . . . Farming ranks as the chief economic activity on most Indian reservations. Manufacturing provides a small but growing source of employment and income. Leading industries on Indian lands include jewelry making and wood processing. A number of tribes lease mineral rights, operate businesses, and offer tourist attractions on their reservations. But most reservations lack well-developed economies. About 40 per cent of the reservation Indians have no job. Indians who live on reservations have the highest unemployment rate and the lowest average income of any U.S. group. Economically, the United States Indians are well in advance of the Australian Aborigines. Living conditions on the reservations are generally substandard. Some Indian lands have modern homes, but inadequate housing is a widespread problem.

In America, for example, enormous areas of land are made available, but compared to the position in South Australia, with some 10 000 people of Aboriginal extraction, in 1981 some 52 468 000 acres were provided. People can do their own calculations to understand that that is about twice the area that will be provided in this Bill.

I now refer to the Canadian situation because I think that it tells a slightly different story where development has improved on the United States model, and perhaps they learned. Canada is part of the Commonwealth, and there the Indian reservations take up 0.3 per cent of the total land mass, comprising 29 272 square kilometres. The Indian population is some 320 000, compared to 10 000 Aborigines in South Australia. The total population of Canada is some 25 million. The ingredients of this development (and it shows what I believe are some of the essentials in redevelopment) are that the property is vested with Her Majesty the Queen or the Government, and the Indian legislation defines responsibility. It does not merely give: it gives and it also asks. This is what we have not done in South Australia, because what we are content to do is let people continue to live in the way they have lived for so many years, and giving land rights in the form that we are giving them today will not assist.

For example, in Canada the regulations that govern reserves include protection of animals and those species which may be at risk; it demands that the destruction of noxious weeds be undertaken. It includes the control of speed and parking within those reserves; the control of dogs; conducting of entertainment; the control of diseases; access to medical treatment; inspection of premises; compulsory hospitalisation; sanitary conditions; and maintenance. Provision is also made for the protection of sacred sites. Alcohol is banned from the reserves and, as has been said, the Indian

development in Canada has far surpassed expectations because the authorities have said, 'We are interested in your welfare. We want to see you progress as a part of this nation; for many years you have been disadvantaged.'

What do land rights really entail? For those people in Canada, for example, in relation to the lands set aside they have a certificate of possession which is handed down through their family line, or a certificate of occupation which passes when the tribal leaders decide that a lease has not been utilised. They have a system of responsibility and it asks the people concerned to achieve, at the same time preserving their culture. What do we have in South Australia and Australia? This goes right back to the philosophy of the development of these lands and to what we will do about them. In the process of giving freehold title, what do we ask of people? We ask nothing. We do not want to achieve anything. We do not really know what we want to achieve. I asked a number of Aborigines some years ago when I was perplexed about what was the right solution. We did not really know the answers. We do not know them today.

One thing that I have realised is that the freehold title of land is not the right solution. It must embrace some principles which say, 'We will let you develop. We will enable you to live a bit longer and be more healthy and see you gain wider skills.' What we are doing here is providing land, but what about the question of health and longevity? What are we doing about alcoholism? That is a particular problem, and some people believe that we must take away rights to solve it.

There are precedents for banning alcohol from such areas for the benefit of the people who live there. What about disease and hygiene? What conditions do we impose or work towards so that everyone can live a little longer, free of disease? We have gone a short way down the track. The Liberal Party made a brave decision in regard to the Pitjantjatjara people. I believe that that decision needs to be reviewed in view of what has been experienced in recent years. We must clearly understand what we want to achieve and what the Aboriginal population wants to achieve. No clear indication has been given about the desired aim. After listening to Mr Ray Roberts one gets a disjointed impression that the Aboriginal population wants to make up for 200 years of extermination, injury, disease and every other form of discrimination. Other people say that the Aborigines should be allowed to live as proper human beings; while others have a whole range of different aspirations.

To date, no-one has told me what we are trying to achieve with this Bill. All that has been said is that the legislation follows a lead set by the previous Liberal Government. That lead must be reviewed. What are we doing about skills or about helping people who have traditionally lived on the land? In regard to the conflict of cultures, for example, should there be a massive increase in resources will it help preserve the cultural background of the people affected? What are we doing about self sufficiency? Are we to leave these people without dignity for the rest of their lives, dependent on social welfare and in conflict with the rest of the South Australian and Australian population? Are we going to raise their basic standard of living to a level that other people enjoy (although it must be understood that cultural background is lost when this is done)? In providing health and education assistance and a whole range of other things the conflicts are increased.

Unfortunately, there is a conflict of opinion about how best we can raise the standard of living to a level where all Australians can feel justifiably proud. These questions are not being addressed. Would not it have been far better to look at the Pitjantjatjara situation and say, 'Where do we go from here?' What will be done in this area and who will be alienated? What improvements are needed and what great hope are we giving to a part of our population, separated from the rest of the State with all the incumbent problems?

The traditional owners of the land have been dispossessed for a long time and, as a result their affinity with the land must be diminished. What happens to those people trapped between the two cultures? No-one really wants to address that question. The Pitjantjatjara situation provided an opportunity to see whether an experiment (and it was an experiment) would work, whether we could provide dignity, a better standard of living, and a whole host of things that the white Australian population has never provided. However, we are now saying that we will forget about the Pitjantjatjara experience and proceed to do the same thing in another area of the State. That is simply not good enough.

I believe that, if land is to be set aside, it must carry with it the same encumbrances and rights as do other areas of South Australia, because in differentiating we are creating further conflict. I also believe that in regard to disadvantaged groups we must understand the sort of initiatives required to bring them up to a standard that at least generates a little pride and not a feeling of shame. I believe that this Bill, which purportedly benefits the Aboriginal race, will simply continue the sad situation that the Aboriginal population has experienced for many years.

We should attempt to emulate the Canadian situation and incorporate rights and responsibilities into the measure. Let us combine both viewpoints. We should not simply say, 'Here is a piece of land, go and live the way Aborigines lived for 5 000 years. Go and die off as quickly as Aborigines did in the past 5 000 years, become diseased as quickly as possible, and experience alcoholism in the way that has occurred in the past 150 years.' That is simply not good enough. The solutions being provided are not good enough. I have had great difficulties with this Bill. We should pay regard to the Pitjantjatjara legislation and to the aspirations of the Aboriginal people, while understanding that there will be conflicts between the two types of development. In fact, the situation in America and Canada suggests a method by which some of these conflicts can be resolved (but not all of them).

I oppose the Bill: I believe it is a sop. I believe that it does not really address the question of Aboriginal development. I believe that it represents a flag that is being waved in front of the faces of a number of people. Those who do not agree with it will be termed racist, and so on, for adopting such a stand. This Bill will not provide for the advancement of the Aboriginal population. I am diametrically opposed to this measure. I ask the Minister of Community Welfare, whom I find to be an infinitely humane and reasonable person, to withdraw the Bill and to give greater attention to some of the problems being experienced. Regard should be paid to the rights and responsibilities that must prevail in the provision of dignity and future health.

Mr MEIER (Goyder): I want to make some comments about the way that the Government has handled this matter. We are all well aware that we are in the last two weeks of the session before the Christmas break. Members of the Select Committee are well aware that there is considerable disagreement in relation to this matter; in fact there was disagreement to the extent that a minority report was requested (although that request was denied). There was an indication that there would be more than the average amount of debate on this Bill. However, the Parliamentary programme indicates that the Government will push this Bill through in all haste. Furthermore, we are all well aware that the High Court has yet to deliver a judgment on a matter that could affect this type of legislation. That matter was

first dealt with in this State and concerns access to Pitjantjatjara lands.

The effect of a ruling from the High Court could have serious implications for this Bill. In fact, in my opinion, if the court were to uphold the decision that was handed down here, it could make the Bill virtually irrelevant. Land rights is not a new issue: it has been with us for many years. Whites have lived in this country for some 150 years. Why has the Government decided that it wants to get this Bill through in less than two weeks? I ask the Government to defer consideration of the Bill until the new year so that it can be given further consideration?

The suggestion that the Bill requires further consideration is highlighted by the fact that some six or seven pages of amendments have been put forward. It will be interesting to see whether the Government comes forward with its own amendments as it did in relation to the Financial Institutions Duty Bill. Obviously that measure did not receive sufficient consideration before being introduced into the House. I compliment the Government on the fact that at least we have not had an all night sitting in relation to consideration of this measure. Some sense was shown in the hour that we broke last night so that at least we are reasonably active and we are able to think clearly at this stage of debate.

Mr Mathwin: We are heading for it tonight.

Mr MEIER: I have confidence that better judgment will prevail in that respect. No doubt exists that this is an emotive issue, whether or not we like it. I come back to the point that a former Premier, Sir Thomas Playford, promised the Aboriginal people in the Maralinga area that the land would be returned to them in due course. For that reason, I believe that we have to look at the measure realistically, given that a promise was made by the Government. However, much of the Bill goes far beyond what was envisaged in the original promise.

We have heard the word 'apartheid' mentioned in this debate. According to the *Concise Oxford Dictionary*, apartheid is a policy of racial segregation. The word 'racial' means 'of, in regard to, due to characteristics of race'. From the outset there would appear to be things in the report that could lead or bring elements of apartheid into South Australia. It does not take much thinking for one to realise that that is probably the last thing we would like brought into this State. However, as the Bill is presently constructed, there will be segregation because only a certain group will be allowed into a particular area of our State.

It was interesting to hear the member for Mitcham give some comments on the experience overseas. I refer to a small tribal group in Europe, from which I happen to have descended, called the Wends. That group still exists on the border of Germany, Russia and Poland. For some thousand years they have been the subject of persecution by a variety of other groups. Perhaps it came to a climax during the Hitler era when they were persecuted by the Nazis. However, that was not new to them. Earlier persecutions led many of them to migrate from the area—many went to the United States of America and many came to Australia. In fact, they are not a well recognised group in our society today as they have intermarried with other racial groups and are widely dispersed.

Today the Wends are primarily found around East Germany. The East Germans acknowledge the fact that they exist. They also acknowledge that the Wends have a specific and special culture and traditions that should be considered and not simply blotted out. In fact, the East Germans have gone out of their way to promote Wendish culture, and have allowed the people to promote a certain area where many of the characteristics are clearly visible today, whereas some years ago they were not evident. These people are not allowed to be special in a sense that they can set up their own State within a State. Rather, other Europeans live in the same area and tourists can pass through the area. In fact, the area is becoming a tourist attraction in a sense. It would appear that much is being done to provide for the well-being of the Wends to allow them to follow their own ways, within reason, because, after all, the whole of that country needs the total development of all people. A minority group only causes disharmony, if it is given exclusive rights over certain areas.

It would be just as easy for the Wends, myself included, to make claim to that area of land. It means a lot because the attachment to the area can be traced back for over 1 000 years. History could show that the attachment has existed for a good 2 000 years but it has only been in the past 1 000 years that the Wends have been persecuted. Would exclusive rights help the area and would it lead to greater happiness for other people? It certainly would not be brought about without bloodshed. In a sense, I am very hesitant when considering land rights, because a situation could develop whereby we will create a separate group that will not be in harmony with the rest of Australia or, in this case, South Australia. I question whether we want that. Other examples have been given of other minority groups where there tends to be more integration rather than segregation.

I was looking at a book by Norman Tindale entitled *Aboriginal Tribes of Australia*. The book contains a series of maps that identify many different tribal groups in Australia, particularly in South Australia; certainly the tribes we are talking about tonight are well and truly identified. In fact, the whole of South Australia was populated by Aborigines before the white man arrived. If it is argued that we are white invaders and that we must give the land back to the Aborigines, taken to its logical conclusion all of the land must go back to the Aborigines. In fact, in 1940 the author identified some 25 specific groups of Aborigines. Since that time the number could have increased as a result of more intensive anthropological studies. I am unaware of the latest figure for South Australia.

I refer to the argument that Aborigines have a specific affinity for the land (and I do not deny that, just as I said the Wends have a particular affinity for their area of land) and have been alienated from that land by the whites. There are examples galore. If we are going to bring in legislation to correct that, surely it has to be corrected in its entirety. The arguments being put forward supporting this legislation are only for a limited area—some 18 per cent of the land.

I think that Parliament must weigh up in its own mind whether this Bill is a piecemeal job, whether it is just the beginning, and whether it will satisfy all groups. In fact, I think that only about two or three tribal groups are involved, out of an identified 25 groups back in 1940. The logical conclusion from that, if we use the argument of affinity for the land and giving back what has been alienated, would mean giving back all of the land. Naturally, the Aboriginal people, I think, would only want that and, if I am honest, I suppose I would love to see the Wendish lands returned to the Wendish descendants. However, I am a sufficient realist to realise that that is impossible in this day and age. I believe that we have to accept what has happened in the past and we must accept that it is a new era. We have lost in some ways, but we can certainly pick up the threads of what is left. Just as the culture of the Wends in Europe has been picked up and promoted (and they are finding that they have a real role to play in their society), so I believe that something similar can be achieved in the case of the Aboriginal people here in Australia.

Another important area that must be considered is the question of what Aborigines will gain from this issue, apart from the land. Land itself sounds very attractive, but it will not bring any happiness; it is not going to bring prosperity;

it is not going to bring security. I believe that, no matter one's racial background, security and economic security are very important aspects. I cannot see how land rights and this Bill will achieve that.

I notice that many of the Select Committee's minutes show disagreement between the members. I mentioned earlier that a minority report was requested to be put forward and that was denied. An amendment to the minutes was proposed to allow traditional owners to invite any person on to the lands. When that question was put, it was resolved in the negative. Is this legislation going to lead to harmony between the groups in South Australia?

Further, it is recommended that the eastern boundary should remain at 132 degrees and there should be no extension to the land. That recommendation was also negatived: it will be 133 degrees. As I said earlier, I believe that, because the promise was made by Sir Thomas Playford, we have no option but to uphold that promise. Why should the land be extended beyond 132 degrees without sufficient justification? Another minute from the report states:

> Your committee recommends that the provisions of the Mining and Petroleum Acts should apply to any exploration on the lands.

Again, the Select Committee voted against the recommendation. Surely it is obvious that South Australia has far too much going against it already. We are a very dry State. We do not have the attractiveness that the Eastern States have, nor do we have a vast population.

We have to go out of our way to bring industry here in order to attract population, and I hope we can continue to develop through mining. However, it seems that the Select Committee was not prepared to consider that. Another recommendation states:

> All existing roads on the lands will be public roads and the Highways Commission shall create road reserves of up to 200 metres wide and any member of the public may use the roads without the necessity of obtaining a permit. Any person who strays from the road reserve will be guilty of an offence under the Bill.

Again, that was not agreed to by the Select Committee. Do we really want an area set aside into which virtually no-one is allowed? It is easy for us to talk, I suppose, because members of Parliament would be allowed in. Whether or not a person is an Aboriginal or non-Aboriginal, one should at least have the right to view this country. From what I have been told there is some magnificent scenery in that area, making it an ideal tourist area. I do not want the area spoilt by tourism, but it is a fact of life that today South Australia benefits tremendously from tourism. Do we want to knock that on the head and not progress any further? Opposition members of the Select Committee attempted to insert a new definition, as follows:

> 'Exploration operations' means all operations carried out in the course of prospecting or exploring for minerals within the meaning of the Mining Act, 1971.

That, also, was voted on in the negative. It seems that many questions in the Select Committee Report on the Maralinga Tjarutja Land Rights Bill have been unanswered. That will not solve the problems and it will not achieve peace and harmony for South Australia in the future.

If people can convince me to the contrary that this will be the great stepping-off point and that it will provide happiness, security and prosperity, I am happy to listen to arguments and to be convinced. Again, I ask the Government to reconsider much of the report that we are currently debating.

Mr BLACKER (Flinders): This evening we are noting a report of the Select Committee on the Maralinga Tjarutja Land Rights Bill. It is with a great deal of concern that I rise to speak on this occasion. I had no intention of speaking in this debate. However, after listening to the debate last night and again this evening, I am even more concerned at the way that the Government has handled this matter. Less than three hours ago this House debated the very point of Parliament taking away from landholders in this State parts of their propery (and in some cases all of their property) and removing their right to use that property for the purpose for which it was acquired. Three hours later we are now giving away some 18 per cent of South Australia.

Mr Plunkett: We are only giving it back to the people who own it.

Mr BLACKER: The honourable member makes that claim. I respect the fact that there is a culture there and that we are obligated to assist people to make use of it, if possible. However, I do not believe that one can give back land in that sense. Could I go back to England and claim my share of the land because my forebears came from there?

Mr Plunkett: They give leases to the MacLachlans the McBrides, and people like that. What is the difference?

Mr BLACKER: The honourable member is getting far from the point. I do not believe that any Government can give an inalienable right to any section of the community for its exclusive use to the total exclusion of another section of the community. That is not right. It fosters a dissention within the community which we will regret. Most of the Aborigines with whom I am directly associated are more westernised and are becoming more assimilated to western ways. Those Aborigines are my constituents. I agree that they are different from the Aborigines about whom we are talking who live in the North-West of the State. However, it is their choice to become westernised. They have decided to live in the type of accommodation supplied by the Aboriginal Housing Authority. They desire to become more of a part of the community, to set up their own football team and sporting clubs, sporting grounds and clubrooms, which they have done quite effectively.

They have not done that totally by handouts. They have been given a great deal of assistance, but by and large they are paying their way. They have been able to negotiate loans by which they can acquire these premises, but they have to pay those loans back. That is the responsibility those people have undertaken to assimilate themselves into that type of Western civilisation, which is to their credit. We should be bending over backwards to help them do that, because it is not easy. If we can assist in getting people into that category, if that is their choice, that is good. It should be fostered in every possible way.

My greatest concern is the attitude of the Government and its refusal to allow a minority report to be brought down. After my almost 11 years in this House I was quite surprised about the procedure to be followed. I made inquiries about a case such as this. I have found that all the minority reports that have been brought down have been with the consent of the Government of the day. I understand that when a Select Committee brings down a report it can bring down only one report. The minority reports to which honourable members have referred, possibly incorrectly, have been addenda to original reports by the committee, which was obviously dominated by the Government of the day, irrespective of which Government was in power.

The Hon. E.R. Goldsworthy: They brought down a minority report on Roxby Downs to try to kill it but they wouldn't let a minority report—

The ACTING SPEAKER (Mrs Appleby): Order!

The Hon. E.R. Goldsworthy: They suddenly woke up that Standing Orders had changed.

The ACTING SPEAKER: Order! I will have order.

Mr BLACKER: The point has been made that over a period a tradition has developed within this House that it has been an accepted practice that if one or other members of a Select Committee have a different view from that of

the majority that view has been allowed to have been expressed by way of addendum to the original committee report. As I said, when it was brought to our attention that members of the minority of the Select Committee were unable to have their views expressed in a similar way I believed that, in effect, the Government was in breach of a standing practice of this House. I now find that the procedure adopted was legally correct, but it was inconsistent with traditions of the House developed over a long period.

However, I am concerned that members of the committee endeavoured to bring in a minority report and the only way they could do so was to attempt to read into *Hansard* extracts of the minutes of the committee so that at least that could be brought to public attention. I am considerably concerned that members should have to go to that extent to have their views heard. I have received some communication in relation to this report, and I would like to read one letter from a person within my electorate whom I understand has written to a great number of members of Parliament.

Mr Gunn: He gave good evidence to the Select Committee, too.

Mr BLACKER: That is good; I was not aware of that. The letter, which is addressed to me, reads:

> I have completed reading the Bill for the Maralinga Tjarutja Land Rights Act, also the report by the Select Committee, and I find it most disturbing. It is one of the most racial Acts to be put before this Parliament. If this Act is passed it is in my opinion that the Government and supporters of the Act would be in no position to criticise South Africa for their system of apartheid. It can only do harm to race relations between the Aboriginal and non-Aboriginal people of this country.
>
> I have discussed the Act with a number of people and all agree with the reasons I have stated, and in no way can the proposers of the Bill state that the majority of the people support it. I have no objection to Aboriginal people having a legal title to the land, providing it is under the same conditions as it is for all other title or leaseholders of this state, although, as it is Crown land, I do not see this is necessary because Aboriginal people have the same rights and are under the same obligations as non-Aboriginal people.
>
> Yours sincerely,
> A. A. Eatts.

I think that that view is shared by many people in the community, particularly in the Northern area of the State. I think that Mr Eatts is one of a group of people who often go for treks into the North. The member for Eyre can correct me here. But, should this area of land be passed on, as this Bill proposes, than Mr Eatts and those who travel with him will no longer be able to go through that area. I understand that these people go into that area often, almost on an annual basis, and sometimes more frequently, right up to the North-West of the State as far as the now Pitjantjatjara area. They often travel through the area presently under discussion. They respect the land, the environment and they are very genuine people who will be denied access to it.

I often wonder whether people would have the same attitude towards this Bill had the results of the Second World War been different. I know that one cannot go back and talk of things of the past in such a way. But, had the Japanese been a little more successful, would we have even been in a position to discuss matters of this kind?

Mr Plunkett: I suppose there wouldn't have been many of us owning land at all.

Mr BLACKER: I do not know, but because wars occur, because there is aggression between countries, because hunger, famine and over-population are often the reason why such differences do occur, we would all have to agree that we may not always be in control of our own destiny. I know it is only philosophising, but the result could well have been vastly different had the Second World War outcome not have been as it was. I do not wish to say much more except that I share the views expressed by many members who have spoken on this motion. There are considerable problems. I do not believe that if the Bill did pass in its present form it would achieve the many objectives the Government believes it would, because it would go even further towards creating greater differences and feelings between the European and Aboriginal communities than we presently experience. My view is that, if Aboriginal people would like land rights in their own name in Western civilisation, by all means let us assist, where possible, to achieve that, but under presently existing conditions.

What is the position of people who are not true Aborigines, those persons who are Aboriginal in many ways, in the eyes of the Social Security Department and in the eyes of the general community, but not truly tribal people? They are not covered in this Bill, so where do they stand? It goes on and on. I note the committee's report, but I believe that there are a number of anomalies in it that will not be in the best interests of all concerned.

Mr ASHENDEN (Todd): I intend to speak briefly, and the main point that I want to stress refers to equality. I want to make clear from the outset that there is one thing that I firmly believe in, whether it has to do with Aboriginal land rights, equal opportunity for women, the handicapped, or whatever the matter may be; I believe that all people should be treated equally. I do not believe that the Bill before the House does that, and that is why I want to speak for a few minutes tonight to express my concern that I do not believe that the Bill is one of equality. It is a Bill which, if passed in its present form, will give very great advantages to a very small section of the community which the rest of the community in South Australia will not be able to enjoy. I do not believe for one moment that that represents equality.

There is no doubt that South Australia has some of the richest and best mineral deposits contained anywhere within the Commonwealth. Most of them are contained within the area of land covered by the Bill presently before us. Any minerals contained within the land in South Australia, whether in the North-West, the North-East or the South-East of South Australia, or in the Adelaide metropolitan area, belong to all South Australians, and not to one small section of South Australians. If this State is fortunate enough to be blessed with rich deposits of uranium, aluminium, oil, no matter what the mineral, if it is contained within the boundaries of South Australia, then all South Australians should be able to share in that mineral wealth.

This Bill does not enable the mineral wealth in the area referred to in it to be shared equally by all South Australians, and that is where it falls down very severely indeed. If passed without amendment the Bill would set up a State within a State: in South Africa it is called apartheid, but here in South Australia it is called land rights. I am afraid that I cannot agree with either situation.

I was fortunate enough to be on the Select Committee that looked at Roxby Downs before the indenture was introduced into this House, and I had very close experience of and discussions with the true Aboriginal elders in the North of South Australia. I also had the misfortune to have discussions with many of the white lawyers who allegedly represented the interests of those tribal elders. That alleged representation is an absolute falsehood, because there is no doubt that many of these white lawyers, supposedly acting on behalf of the Aborigines, are acting purely and simply in their own self interest. For example, the Aboriginal elders I met on the Select Committee into Roxby Downs made quite clear, in relation to the area now under exploration by Roxby Management Services, and stated to us quite categorically that there was at most one sacred site on that land.

However, when we talked with the white lawyers, and subsequently with people of some Aboriginal descent, but certainly not full Aboriginal descent (and certainly not the elders of that area), they tried to indicate that there was more than one sacred site. Those people tried to indicate that there were far more sacred sites than the true Aboriginal elders had indicated to us. Perhaps it is ironical that in many cases those so-called sacred sites happened to fall exactly where there was a road to be developed or a shaft to be put down.

I believe that, when we look at this Bill, it has very serious shortcomings, the main one being that it does not protect the rights of all South Australians. I repeat what I said earlier: if the Bill passes in its present form it will provide a very small group of South Australians with an advantage far greater than any other South Australian is able to enjoy. I will therefore be supporting the amendments that the Opposition will place before the House, because again I say that surely it is not unfair to expect all South Australians to be able to share in the wealth which is certainly in the area referred to.

I am extremely concerned that, if the Bill passes in its present form, many mining companies will no longer spend exploration dollars in that area. I will not mention by name the companies that have indicated that they will probably pull out of the area. However, I can mention by name one company that has already pulled out of the North-West area of South Australia because of demands placed upon it by the Pitjantjatjara, and that of course is B.H.P. That company was prepared, through one of its subsidiaries, to spend $30 million to explore for oil in that area. Let us look at the success of B.H.P. It has not gone far wrong when looking for oil. It has found oil virtually every time it decided to explore an area in Australia. It has expertise which can only be admired. B.H.P. was prepared to expend $30 million in the North-West of South Australia looking for oil but, because of totally unreasonable demands placed upon it, not by the true Aboriginal elders of that area, but by the white lawyers supposedly representing the interests of the Aboriginals, that $30 million was expended not in South Australia but off-shore of China.

Members opposite, whether they like it or not, will have to accept that a number of mineral or mining companies have indicated that, should this Bill pass, they will not spend exploration dollars in South Australia. South Australia does not have many natural advantages but one that it does enjoy is its natural mineral wealth. Already the Government presently in power has forced two potential mining developments in South Australia to close: Honeymoon and Beverley. The Labor Party throughout Australia is doing its best to close Roxby Downs. The Party now in Government in this State, if it had had its way in Opposition, would not have allowed Roxby Downs to go ahead. It now has before this House a Bill which, if passed, will stop much more mining development in South Australia.

I point out to members opposite just what mineral wealth can do for a country. One has only to look at Alaska, in the United States, where people fortunate enough to live there not only do not pay State taxes, but those who have lived there for a certain period of time in fact get paid by the Government money from the royalties which that State earns from its mineral wealth. One has only to look at certain Provinces in Canada to see the same situation apply, where those Provinces are blessed with mineral wealth, and it is shared amongst all the residents of those Provinces. Why should South Australia be any different?

We have undoubted mineral wealth in the North-West of South Australia. If this Bill is passed that mineral wealth will not be exploited for the benefit of either the Aborigines living in that area or for all other South Australians. I realise that some members opposite will probably try to label me as racist. I come back to the point which I made at the beginning of this speech: I believe in equality. I believe that the Aborigines in the North-West of South Australia should have exactly the same rights as has every other South Australian. I believe that women should have exactly the same rights and opportunities as men. I believe that the handicapped should have exactly the same rights and equality as has any other person within the community.

However, this Bill is not about equality. This Bill is about removing equality, and it is a Bill which, if passed in its present form, will result in inequality. South Australia is not a State which is wealthy enough to be able to throw away the undoubted royalties that would be obtained from those lands if companies Such as Comalco are unable to go in there and explore. If the Bill is passed, Comalco and other companies will not spend a cent in that area, and who can blame them? Why should they? Members opposite must realise that when a company makes a profit it can invest that profit for the good of the State, and can employ more people, and pay royalties and taxes, creating money for this State. Therefore, why should not it be able to move into a section of South Australia? Let us face it: if my backyard happened to contain a wealthy mineral deposit, there is nothing I could do to prevent the development of that deposit by a mining company. Why should not that same law and situation apply to all residents of South Australia?

Mr Hamilton: I bet you wouldn't like your backyard dug up.

Mr ASHENDEN: I will respond to that interjection. No, I would not like my backyard dug up, but if that backyard were to be dug up (it would actually result in having to sell my house because my backyard is not very big into the bargain) and if it contained a deposit which, if developed would be to the benefit of South Australia, I do not consider for one minute that I should have the right to prevent that development. That is the point I am trying to make.

The Hon. G.J. Crafter: Would there be compensation?

Mr ASHENDEN: Of course there would be compensation. We are not asking for there to be no compensation for the Aborigines in the North-West areas. We are saying that the Aborigines in the area should be subject to exactly the same laws as is any other South Australian. That is all we are asking for, unlike the Government—

Members interjecting:

Mr ASHENDEN: If members opposite keep interjecting, the speech which I indicated would be short obviously will be longer.

The ACTING SPEAKER: Order! The honourable member for Todd can proceed without interjections.

Mr ASHENDEN: The point I make (and this is the point I have been trying to stress all the time) is that I believe that this Bill is not fair. I will support wholeheartedly any Bill before this House at any time which will result in equality for all South Australians. This Bill does not do that. It provides a distinct advantage to certain members of this community, most unfairly, and for that reason (and again, in closing, I stress the point I made half way through this speech and at the beginning) I am not in any way racist. I believe in equality for Aborigines and whites, for men and women, for the handicapped and the non-handicapped. This Bill does not provide that equality, and that is why I will be supporting strongly the amendments to be put forward by the Opposition. We must have land rights which are fair to all, and that is why I will be supporting the amendments put forward by the Opposition.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr GREGORY (Florey): I support the Bill presented by the Government. I also support the amendments proposed by the Select Committee. I suppose that what we are talking about in this House is a difference in philosophical attitude and approach to a problem that has confronted South Australians since the British Government gave its citizens the right to settle here. It had no regard for the indigenous people who were here. It regarded them as inferior, and the British people conducted themselves in that manner. However, they were charged by the Parliament of England at the time to protect the Aborigines, and they have not done that. Tonight, and indeed yesterday we heard speeches from members opposite which could lead me to believe that their approach to this is bigoted and lacks compassion.

They have no understanding of how the Aborigine feels towards his land. They see it from their cultural viewpoint only. They have not wanted to consider the culture of the Aborigines. They do not appreciate that, to an Aborigine, the land, as well as being the house in which he lives, is also his mother who gave birth to him and who will take him back when he is finished. To an Aboriginal, the land is the embodiment of his spirit, and if one takes an Aboriginal away from his land or destroys his land, it will destroy his spirit and his spiritual beliefs. I suppose that it is very difficult for white people to accept that the bulldozing of trees, a big outcrop of rocks, a swamp or any other feature of the land is the same to an Aborigine as someone getting on a bulldozer and wandering through St Peter's Cathedral in Rome or the Alexander Nevsky Cathedral, in Sofia, or running through the mosques in Arabia. It has the same spiritual effect on these people: that is what it is, and we have members opposite drawing some comparisons about Roxby Downs and how there was only one sacred site and then there appeared to be more.

Those of use who are wise in the world and admit that there are other people who have beliefs, customs and rituals different from ours will accept that, when it comes to telling strangers about their customs and rituals, they may not feel disposed to do it. My grandfather was a freemason, and so was my father. I am not one, but they would never disclose what went on within their lodge. It was never done. Yet we are critical of Aborigines because they will not tell us where all their sacred sites are. It is having two separate approaches to the same problem. The Aborigines will not say where the sacred sites are because it is none of our business, and when one says to them, 'Is that area of some spiritual concern to you?', they will reply. One has to ask them. One has to appreciate also that Aboriginal males will not disclose certain information to females, and neither will the females disclose certain information to the males. That seems to be ignored by our friends opposite. This lack of appreciation of the position in which the Pitjantjatjara people find themselves really concerns me. The member for Goyder mentioned a map and a book which referred to certain tribes in Australia. Last night I asked whether I could look at that map and he showed it to me. The map finished at about the Flinders Ranges. It did not extend into the Pitjantjatjara lands. If the member for Goyder really appreciated that, he would understand and know that only one tribal group in South Australia out of the original 40 is still able to manage itself in relation to its tribal laws and spiritual concerns.

That is the only group left which can do that. The others are no longer doing it. That is why the Government is going to give to those people the land that was theirs originally. The land was not taken from their possession many years ago; a few years ago they were told that they were required to leave it. In Ceduna the Select Committee took evidence from Hans Gaden, who was working at a Lutheran Mission at the time when the Aborigines were required to leave the area. The Government employed a patrol officer to bring Aborigines out of the area where the British Government was to explode some atomic bombs. Mr Gaden stated in evidence that some 405 Aborigines were removed from the land and placed at Ooldea. He added that he did not think that the land had been completely cleared of the Aborigines before the bombs went off.

Members opposite referred to promises made by the then Premier of South Australia, Tom Playford, that the Aborigines could have the land back. Later I will refer to evidence given to the Select Committee indicating that 28 years ago Aborigines were promised that they would be given back their land, yet tonight we are arguing about whether or not it should be given back to them. There has been some argument as to whether the land should be given freehold or whether it should be given on a perpetual lease from the Aboriginal Lands Trust. Members opposite would be astute enough to know that freehold land means that one owns it and that a perpetual lease means that one has only care of the land, that one does not own it, that it can be taken back at some time or another or that one can be directed as to what can be done with it. Nothing illustrates more clearly how the Aborigines feel about their land than does a transcript of a meeting that took place with the former Minister of Aboriginal Affairs (Mr Arnold) at the Yalata Community on 3 August 1982. In his opening remarks the Minister said:

> We and the Government are keen to see the Maralinga lands made over to the Aboriginal Lands Trust as quickly as possible.

In evidence given to the Select Committee the Pitjantjatjara people made it fairly clear that negotiations had ceased as soon as Ron Payne became the Minister. At page 3 of the transcript of the meeting at the Yalata Community a translation from Anangu states:

> He is expressing strongly the view that this is their land and they want to look after their own land. This has been their land for a long time and it wasn't white fellows' land and so they're looking to be able to look after their own land that belonged to them, to their families and he was reiterating that point, that they should be able to look after their own land because of their long association and their families going right back with this land.

As I said in my opening remarks, to an Aborigine the land is his mother: it gives birth to him, it feeds him and it takes him back when he is finished. Reading this document, one finds that the Aborigines want a strong law to enable them to look after their lands and that they want it accomplished quickly. They want this because, as they indicated, there are fox shooters, miners and other people on the land. On page 5 of the transcript appears a translation of comments made by Mervyn Day, who is a fairly prominent person among the Maralinga Aborigines. He stated:

> We want mining to take place peacefully. We want to be quite clear as to what's going on if mining comes in. We want to be able to go to the people, we want to ask them how long are you here for or what places are you working in. We want to be quite clear about these points. Whether we can tell people to go from places, or just what our authority is. We want all this to be very clear. When miners come in we want to have a peaceable, you know, we want to work together with them.

There is nothing wrong with that. The Aboriginal experience with white people has been fairly tragic. One has only to go to their communities to see the effects of our alcohol that has been introduced and the effect in some places of unscrupulous white people taking advantage of Aboriginal women with money and booze. We have assisted in the decline of their societies. One finds in their communities that the Aborigines want to bring back their own laws. None of us would agree with some of those laws being reintroduced, but they want to be able to manage their own affairs in a strong manner. On page 9 of the document a further comment is made as follows:

They are saying that this land has been promised to us for 28 years and they have been promising to give us the paper, give us the title of this land for 28 years.

And so it goes on. The member for Chaffey was the Minister of Aboriginal Affairs at that time, and he would remember these events. There was a difference of opinion in that the then Government wanted to give land to the Lands Trust. I forget the exact date on which the Pitjantjatjara Land Rights Bill was proclaimed, but it was only some 12 or 18 months after it had wanted to vest the land in the Lands Trust. That implied that we were saying to the Maralinga people, 'We cannot trust you with this land; we have to give it to someone else.' The Lands Trust has had something to say on this matter. It issued a press release tonight. I might add that the transcript of the evidence indicates that it was made quite clear to the Select Committee that the Aboriginal Lands Trust had accepted the decision of the Yalata people in wanting the land freehold, although the Trust did not want that. The Trust's press release over the name of Mr Garnet Wilson states:

The Trust agreed that when the Pitjantjatjara people had achieved the separate land legislation they were seeking it would consult with the Pitjantjatjara Council regarding the control and use of such portions of the Maralinga lands that any of the Pitjantjatjara people felt that they had the traditional authority to control and use. Consultation would be achieved by the Trust arranging for meeting and discussion between the Pitjantjatjara claimants and the appropriate representatives of the Yalata people, as it was considered that this would be the most effective manner to reach Aboriginal decision on what was essentially an Aboriginal matter.

The Trust would abide by whatever decision was reached by such Aboriginal discussion. The decision reached was that if a particular area of land which was under lease to the Yalata community should be under the control of Pitjantjatjara people then the lease for that area would be transferred to the Pitjantjatjara people. If the Pitjantjatjara people preferred not to hold lease title, but desired freehold title, then the Trust was prepared to surrender its title to the particular area and to arrange for transfer of title to Pitjantjatjara people if it were shown that this is what the Trust should do and that the Aboriginal people wanted it that way.

In evidence given to the Select Committee (page 161 of the transcript), Mervyn Day had this to say:

All around here this country is our country and a long time ago they sent us away from here. We weren't asking to go to the coast; we were sent from here because of the bomb. It wasn't our desire, our request, but we were ordered to go. We want to come back to this land, and in many meetings now over a time we have been asking and asking to be able to come back to this land. From all this some of our land has been spoiled, this land of our old people. There have been bad things done here, much of this land spoiled. But we want to come back to this land to live here, to teach our children in this land, this which is truly our land. We want to come back and live here. This was also our grandfathers' place, that is why we want to come back and live here again. We have been asking to be able to come back and have this land. We haven't been angry and we haven't been in a spirit of argument, but we have been asking in a peaceful manner for this thing. We have been asking for this land, that we should have freehold title to the land.

I think the most touching comment was made by J. Baker, as follows:

I was in this country as a boy, but I had to shift away. I have been around the West Coast and I have shifted many times. We have been asking for this country, and I am wondering whether it will be mine. We have been asking and asking. I am getting old and I want to know whether I will see the return of my land. I have been waiting so long. We are wondering whether we will get this land. We want the Government to give us back our land.

I can understand how the Israelites felt when Moses took them out of Egypt back to their own land. The Aborigines want their land back. The land's only apparent economic use is mining: it has no commercial value involving cattle or sheep. Indeed, the area in dispute between the two Parties in this House has been described by the Pastoral Board as not being suitable for pastoral development. If water were to be found on it, the cost of development as a pastoral property would make it unprofitable.

I now come back to minerals. The whole argument surrounding minerals has been the protection of sacred sites. We tend to refer to sacred sites because we are fairly precise in our approach to matters. We have maps and can mark off points exactly. These people are not so precise in their definition of a sacred site. They prefer to use them as areas. One has to consider that this land is a hostile land—a land in which these people could not traverse frequently and freely. Indeed, some Aboriginal people took 30 years to travel their lands.

We have heard from members opposite that there were gossamer trails across the land. Lindner referred to only two known permanent camps. I do not know how one can say that nomadic people have permanency when wandering the lands in the way that these people do. Pitjantjatjara people can accurately describe areas of spiritual significance to them (although they have never been there), in the same way as people who profess to be Christians or Muslims can cite their religion, their Catechism and their beliefs and, in some instances, go to places where they have never been and know what they are because they learnt about them as part of their religion. These people, unlike us, do not differentiate between the way they live and the way the spiritualism has been developed. I would hope that some who profess to be people of good character carry that out in life.

The other argument put up by members opposite to the Government's proposal is access, saying that we are creating apartheid and denying access to people. I have yet to hear from our friends opposite that, if people have freehold title to a piece of property, they will open it up so that everyone has free access to it when and how they want. That is not on and would not be acceptable to members opposite. Indeed, in evidence given to the Select Committee by McBride and Seager from the United Farmers and Stockowners, they made quite clear during questioning that they would like to control the access of people to pastoral leases. They made it clear that, on freehold land, they had the right to tip off people who were trespassing. What is the difference?

The Aborigines have freehold title. All that the Maralinga people are saying is that they want to know. They have said in correspondence and made clear to the committee that, if anybody wants to go to a national park, they only have to notify them and they go. In subsequent communications with people in the Government they have said that once somebody is authorised to go into their land that person only has to contact them and say he is going.

The people at Cook raised the problem, and that matter was easily fixed to the satisfaction of the people at Cook. All that had to happen was that every year there would be a meeting between the representatives of the Cook community and the Maralinga people, and it would be settled as to who was going. They also reserved the right to say that certain individuals who transgressed that permission were not able to go. It is explicit that in granting permission there is also the right not to grant permission. Why do Aborigines want to have some say as to who goes on to their land? Everybody does; they do not have to be black and Pitjantjatjara to want that. They could be white, Caucasian, South Australian, Australian, or of any nationality. If they have freehold title to land they want to have the right to say who goes on to it. To an Aborigine it is not a vast area of land but, in reality, their home. It is their mother—it gives them life, and when they are finished they go back to it: it is their home. If people want to come into our homes, we want to know who they are.

Great play was made by members opposite about the alleged problems in the Pitjantjatjara lands. Over 1000 people applied to go on to the lands. If one looks at the Select Committee report (and I think the member for Eyre forgot to do that) it states:

. . . about 50 per cent fall into the category of Government employees, contractors and others having business on the lands, who might be classed as automatically being granted a permit; the second category of 50 per cent were for tourists, church and school groups, other Aboriginal groups, and relatives and friends who wish to visit employees on the lands. During the period October 1981 to June 1983, 1 400 applications were received; approximately 700 fall into the second category, of which 23 (3.3 per cent) were declined.

As part of the Select Committee's work the member for Eyre and I went to Groote Eylandt. When we were in the treatment plant office, the member for Eyre pointed to a notice on the notice board instructing all employees of the B.H.P. mining company at Groote Eylandt not to go into certain areas as marked, as there are mortuary rites in that area. In that culture, when a person dies that person's name is not mentioned again. The people describe such a person for example, as 'that person who sat down at a certian place who was so-and-so's sister'. They have their religious methods of ensuring that that person's spirit goes to whichever place they believe it should go. They also have ceremonies and may not want people in those areas when such ceremonies are going on.

In a lodge we would not allow people in during a ceremony. We do not allow people to wander through this Chamber whilst we are meeting. Recently we had the spectacle of the Federal A.C.T., member, Ros Kelly, attempting to nurse a young child and the Speaker having to say 'Order! There is a stranger in the House.' She had to take her child out. We are saying to black people that they do not have a choice.

Much has been made about the mining companies' position. In evidence to the committee, the Pitjantjatjara people and their representatives made it fairly clear that they had reached agreement on every point except compensation. They talked about Hematite walking away from exploration in South Australia, being chased away and not allowed back in. I am not privy to what happens in the councils of the mining companies, but all I can conclude about B.H.P., from my knowledge of the industrial area extending back 15 years, is that B.H.P. has taken the attitude that what is good for B.H.P. is good for Australia, and vice versa. It has taken certain actions in concert. It could have gone to an arbitrator; it had the sole right to do so—and if it was aggrieved by the arbitrator's decision it still did not have to go ahead with the prospect.

There are 3 000 km of seismic lines, and a bulldozer was required to make a blade-width path. One can only say that that disturbance would be far greater than any oil drilling. An argument ensued as to compensation. The company said it would not go to arbitration, because it would split the claim down the middle. I find it touching that the representatives of B.H.P., who are some of the toughest industrial negotiators in this country, are so naive when it comes to arbitration. If that happened in arbitration, where our claim may be for $1 000 a week, we would be getting $500 immediately. An ambit claim is presented and it is the real figure that is determined. The company did not want to go to arbitration and did not want to settle the matter. It wants to apply pressure.

The member for Eyre was also very critical last night about some anthropologists wanting $120 a day to advise the Government as to where certain things should be done. There is an old saying in the business world: if you pay peanuts, you get monkeys. Perhaps that is what the Liberal Party did when they employed people to advise them on the sacred areas in respect of Roxby Downs, leading to all the subsequent troubles we have had—because they paid peanuts and got some monkeys. If they were to employ white consultants to tell them about white affairs, about how to run this company, or what we ought to do here or there, they would be paying between $500 and $800 a day. All these people wanted was $120, and we were ridiculed last night regarding that matter.

It seems to me that an element of racism and bigotry has crept into this whole debate. What we are attempting to do is give to a section of our community, which has different spiritual beliefs from ours, an area of land which was once theirs, from which they were forcibly evicted and which we then bombed; and we are now saying to them that we will not give it back to them: 'We will give it to you in a different way, but you will not own it.' The reason they want to own it is so that they can determine how it is looked after.

I have had many discussions with the people we met on the committee. I believe the Maralinga people are reasonable; they are different from the people in the Pitjantjatjara lands and they have a different approach. They know that mining will bring them jobs and wealth and they want that to happen, but it seems so wrong to me that, because they are black, they have to be treated as though they are inferior. If they owned this land freehold and they were whites, we would not be arguing about whether they ought to give access to people. We would accept that as their right to decide. Because the people concerned are black, we are saying that they do not know how to make up their minds.

We have even had members opposite making accusations that these people are being fronted up to and having words put in their mouths by their representatives. I think that is a peculiar attitude because of all those in the mining companies who have talked to the Aborigines they have only been the representatives: it has never been the Chairman of Directors, or the boards of the companies. However, members opposite do not want the Aborigines to have the benefit of skilled employees and lawyers.

I think it would be peculiar to see Sir Arvi Parbo sitting down and talking to Aboriginal elders. I know full well that he would not want to do that, not because it would be beneath him but because he would have other people to do it. He would have representatives of the company doing it, and he would expect that the people in question would be fully briefed and have competent people working for them. I see nothing wrong with that. I am quite sure that this House will pass the Bill and incorporate in it the amendments proposed by the Party of which I am a member. I hope that the Upper House will also pass the measure because it will mean—

The SPEAKER: The honourable member's time has expired. The honourable member for Peake.

Mr PLUNKETT (Peake): It gives me great pleasure to to support this Bill and the amendments that have been put forward by the Select Committee. As one of the committee members, I thoroughly enjoyed my involvement with this very interesting and important Bill, and I would like to thank my colleagues, the other members of the committee, including the two members from the Opposition, for their involvement. Discussions were held during two full weeks away from Adelaide: we flew to different meetings, involving visits to Maralinga, Cook, Yalata and other areas. We met schoolteachers, trappers, railway workers and, at other places, people from the Lutheran Church and graziers. When we returned to the city, we also met representatives from the mining companies.

The most important people were the elders of the Tjarutja tribe. I think all members of the committee would still have impressed on their minds the meeting held at Maralinga in the sandhills among about 500 Aboriginal people from the tribe and also, I might add, some white lawyers. I will not criticise the Tjarutja people for having white people represent them as lawyers. Indeed, I would like to commend the lawyers who represented the Tjarutja people: I think they did an extremely good job. If there were ever an occasion

I needed somebody to represent me, I would be more than happy to engage Garry Hiskey, because I think he is a very dedicated and extremely talented solicitor, regardless of what anyone on the other side may say.

This Bill is very important and I do not want to stand here and argue over some stupid thing that does not even involve the Pitjantjatjara lands. It is obvious that members opposite have not spoken with Opposition members who were members of the Select Committee. It is clear that the member for Mallee has not bothered to look at the Bill. Further, the member for Goyder did not impress me as knowing anything at all about Aboriginal people. He seems to have the attitude that there is a law for white people and a law for Aborigines, and that is it. I feel a little sympathy for the Deputy Leader of the Opposition because, as we all know, he is obligated to represent the mining companies. He has pushed that point during the four years that I have been a member. I do not think that he could take any other attitude when he discussed the question of Aborigines returning to their land.

The Opposition has taken a strange direction in this debate tonight. I cannot understand it, because we are all aware that, under the Tonkin Government, Pitjantjatjara land rights were approved. It appears that all Opposition members now see that as an error, a mistake that they made. I feel extremely sorry to hear that, because I thought that that was one of the successes of the previous Government. It was the one decent thing achieved by the previous Government. In fact, it is one thing that the Labor Party could never take away from the Liberal Party. I take my hat off to David Tonkin in that respect. The Bill was passed and the Pitjantjatjara people obtained their land rights.

It is extremely strange that since David Tonkin was forced to leave the ship, the Opposition has been left without a rudder. It appears that the Opposition is sorry the Pitjantjatjara Bill went through. I do not intend to stand here and criticise members, but I point out that I have not heard the member for Bragg speak on many occasions. I advise the member for Bragg that, before he speaks on important legislation such as the Tjarutja land rights, which affects so many people and means so much to South Australians, he gets his facts clear by first reading the measure.

At the same time, the member for Bragg might look at other Bills that have been introduced by his Party in support of big graziers in South Australia. Only 12 months ago graziers sought the passage of a measure giving them freehold access to many leases that have been held on a peppercorn lease arrangement for many years. Apparently, the honourable member does not know anything about that measure because he said he could not understand how we could give 400 to 500 Aboriginal people exclusive right to the Maralinga lands.

Mr Ingerson: I did not say that and you know it.

Mr PLUNKETT: The honourable member should read *Hansard* and he would know what I am talking about. I remind the honourable member, and I am not calling members opposite racists, that all the Opposition members have spoken in that way because they have not read the Bill. They do not understand it; they have not got a clue about it. It would have been better if they had said nothing. It appears that the Opposition decided willy-nilly that it wanted a certain number of speakers, and members were told to get up and speak regardless of what they said.

Mr Ingerson interjecting:

Mr PLUNKETT: The member for Bragg is back in his seat and able to do a bit of interjecting. Even though I am not picking up his interjections, he should get his facts clear.

The SPEAKER: Order! There are two things: first, it is quite out of order to interject. Secondly, it is even more out of order to invite interjections. Thirdly, and more importantly, I indicate that, if it has not been unparliamentary before, it will certainly be unparliamentary as of this moment to use the word 'racist' in relation to anyone.

Mr PLUNKETT: I rise on a point of order, Mr Speaker. I have not called anyone a racist.

The SPEAKER: Order! I am not referring to the member for Peake. I am obliged to him, because he made it quite clear that he was not calling anybody a racist. All I am saying is that, if he or any other member does, that will be unparliamentary as of now.

Mr PLUNKETT: Thank you, Mr Speaker. I wanted to make that clear because I believe, as I am certain that this is the case, that the people who have spoken tonight do not understand the situation. The member for Bragg mentioned that the Bill will rest land with 400 or 500 Tjarutja Aboriginals. I wonder whether he understands that there are holdings not far from Maralinga, and I refer to Commonwealth Hill (which is a very big holding), Paratoo, Mulgathing, Lake Everard, Rawlinna, Granite Downs, and Bulgunnia (which has been leased by a Mr MacLachlan for many years). I wonder whether the honourable member would like to check out all those properties and find out how much land is involved. I think he would find that the land involved is not far short of the size of Tasmania, and it is leased by only one family.

Last year two members of this House (one being the member for Eyre) tried to convince us that those people leasing the land should have stronger tenture to the land. Honourable members could check *Hansard*. There are a few other leases in the area, owned by Hugh MacLachlan; I wonder how much he puts into the Liberal coffers. Other properties include Retreat and Mount Victor. It is a shame to hear some members opposite claiming about giving land to the Aborigines. Have members opposite read an article headed the Australian connection in the *National Times*? It can be obtained from the Library.

Members interjecting:

Mr PLUNKETT: I always know when hot air is back in the House.

Mr Gunn: We do, too.

Mr PLUNKETT: The member for Eyre's whole purpose is to protect graziers. That is why he wants to interject when I am speaking. If the Maralinga land was worth 1 cent to the graziers, they would have it and the member for Eyre would be the first to support them. It is only because there is no water for stock that the land's only value at present is to the mining companies. The mining companies also support the member for Eyre and his colleagues, and that is the only reason that they are opposed to the Aborigines having this land returned to them.

I wonder whether the member for Eyre and his colleagues recall an article in the *National Times* (dated 19-25 October 1980) headed 'The Australian connection', as follows:

> The Angliss group, which owns extensive cattle stations in Northern Australia as well as several abattoirs. These holdings, in turn, include . . . cattle properties: These are estimated to cover about 30 000 square km:
> Waterloo—

Mr GUNN: I rise on a point of order, Mr Speaker. I ask that the member for Peake be directed to relate his remarks to the Bill under discussion. There is nothing in the Bill about cattle stations in the Northern Territory, therefore, he is straying completely from the measure and I believe that he is completely out of order.

The SPEAKER: Order! I will follow the precedent set by the Acting Speaker and certainly by myself: I will be extremely wide and generous in my interpretation. There is no point of order.

Mr PLUNKETT: The member for Eyre should have been present in the House a little while ago to hear his colleague

refer to people of Germany, and there were plenty of other references made. The member for Eyre himself has often mentioned a Western Australian lawyer who represents the Pitjantjatjara people, and he has described other people as being communists. There are many members opposite who make that accusation in relation to communists. When the Opposition does not have anything else to say, it turns around and accuses people of being communists. For a start, it should get its facts clear and drop the old Menzies communist approach.

Mr Ingerson: When did I say that?

Mr PLUNKETT: I can not be bothered with the member for Bragg: I could serve him up any time.

Mr Ingerson: You're doing a good job, too.

The SPEAKER: Order! The honourable member for Bragg will most certainly come to order and will most certainly not assume the role of the Chair.

Mr PLUNKETT: Thank you, Mr Speaker, and I am pleased to have your protection. Sir Thomas Playford promised to return the Maralinga lands to the people at a time when there was no Aboriginal Trust in existence. He promised to return the land to the Aboriginal people, the traditional owners. I would like to refer to an article headed 'Rocket Bomb Range in South Australia', a statement adopted by the National Missionary Council of Australia at its meeting on Tuesday, 24 June 1947.

Mr Ingerson: Having trouble with the English language?

Mr PLUNKETT: I am not a lawyer. I know more about this country than the member opposite will ever know. I understand people better than he will ever know. The honourable member might understand money, that is about all that he would know better than me because I do not place a lot of value on it. The honourable member may get money from the graziers and the mining companies later for standing up for them. I do not expect any reimbursement. All I want is thanks from the Tjarutja people, who are entitled to have that land in their own right.

Members interjecting:

The SPEAKER: Order! I call the Deputy Leader of the Opposition and the member for Hartley to order. I thought we were dealing with a matter—

Mr Groom: I didn't say a word.

The SPEAKER: Order! I beg the honourable member's pardon—the member for Henley Beach. I thought that we were dealing with a matter of some importance to the State of South Australia. This matter is also of some sensitivity to an underprivileged group of people, allegedly, on some of the speeches that I have heard. I ask all honourable members to show some restraint. The plain fact of the matter is that the honourable member for Bragg was out of order in interjecting as he did. It was a hurtful interjection. However, that did not make the honourable member for Peake's response any more the lawful or within Standing Orders. I point out that I do not need assistance from any other honourable members. I will not stay on the point of warnings if this behaviour continues. If the honourable member for Peake wishes to refer to a particular member, he should do so by using the name of the member's district. It is not a terribly edifying spectacle at the moment for the Chair, let alone for the gallery.

Mr PLUNKETT: I refer to an article headed 'Rocket Bomb Range in South Australia', which states:

> The National Missionary Council has not at any time acknowledged responsibility to pronounce upon the morality or the wisdom of the establishment of a Rocket Bomb Range within Australia. What has been of concern is its probable effects upon the Aborigines through whose country it is proposed to pass.

That was back in 1947, and if any members opposite want to know whose country we are talkling about when we talk about the Maralinga/Tjarutja lands, we are talking about the land that the Tjarutja people owned. We are not talking about whether or not they own the land—they are entitled to it. The land was taken away from them in the 1950s and they were told by the then Premier, Sir Thomas Playford, that they would be moved back to that land, not under any conditions, not with roads to allow open access for everyone, and not where mining companies would have the right to rip the guts out of that land. If mining companies are to have the right, it should be with the agreement of the people who own the land, that is, the Aboriginal people. I fully support the notion that these people own that land and that they should be returned to the land without any restrictions as to how and in what way they should operate the land.

Mr Oswald: Do you know what apartheid means?

Mr PLUNKETT: Fancy the member for Morphett saying a thing like that. I will not enter into that. The stupidity of that member often amazes me. He is nearly as bad as the member for Mallee, although not quite. As a Select Committee member, I travelled to places such as Alice Springs, Granite Downs, Marla Bore, Fregon and Amata, where the committee met at those sites with the Aborigines who gave evidence.

The Select Committee met afterwards and agreed. I note that the member for Mount Gambier is in the House. He and the member for Eyre agreed that there were no problems in relation to the Aboriginal people being returned to the lands. It was agreed that that promise had to be adhered to, otherwise the people and the Government of South Australia would have to hang their heads in shame. I do not know why the Opposition thinks that various conditions should apply in relation to returning the people to their land and allowing mining companies to explore. The Aboriginal people have not refused to speak to the mining companies. The Aboriginal people and their representatives have been prepared to speak to the mining companies, through the Arbitration Commission if necessary. However, the mining companies did not want that: they want no upfront payments.

Perhaps if there were more negotiations they might be able to come to some arrangement. Strangely enough, when we went through the lands, the tone of the remarks were, 'There is nothing here; there is no water.' They even showed us where a well was sunk in the 1890s from which they were unable to obtain any water. That is the main reason why the Aborigines were able to retain the land until as late as the 1950s. If that were not the case, every member in this House knows what would have happened to it. The big land-owning companies would have been able to freely obtain these leases. I refer to the lease about which I spoke and an article entitled 'The Birth of the Vestey Empire'. For the assistance of members opposite who might have difficulty in doing research in relation to these sorts of things, it appears in the *National Times* dated 19 to 25 October at page 18. The company concerned paid not only peppercorn leases but also peppercorn taxation. This is another example of taxation dodging. It is another crowd that the Opposition always protects and jumps up in the air whenever anyone mentions anything in that regard. The Opposition always tries to protect the people who like to exploit others. They are the money people.

I stand here and speak on behalf of Aboriginal people, and I feel very proud to be able to do that. The only time that I did not feel proud was when some members of the Opposition (I am not saying all members of the Opposition) earlier today made complete fools of themselves in the attitude that they took. I would say that they just do not understand the Bill and they never took any notice of it. I am not saying that the members of the Select Committee spoke in that way: they have not spoken in that way at all. The honourable member for Eyre has gone: he must have

run out of air. I believe that he only opposes some of the clauses of this Bill because he has an obligation to the mining companies. Every day mining companies have been in touch with Graham Gunn; they have not been in touch with me or my colleagues, so one can imagine what is going on.

I add that the mining companies have said that there are no known minerals in the area in question. I do not know why the mining companies are so interested in the land if there are no known minerals there. Apparently they have a little on us. Perhaps they have flown over the country or have conducted tests in the area and know that there are minerals there. It may be as it was in Australia a few years ago. Some older members may recall that oil and gas were discovered in Australia, but the mining companies did not regard the strikes as profitable operations at that time. They decided to block off the gas and a lot of other substances found in Australia. They are the type of people that Opposition members stand up and protect, because they protect the moneyed people. They do not protect the people who need protection, namely, the people who deserve the land and who should be returned to the land. I think that members of this Parliament should hang their heads in shame if this Bill does not go through in its present form.

Mr PETERSON (Semaphore): That is a hard act to follow, but I have a few minutes. The thread that has run through this debate since it started, as far as I can ascertain, is that there is no dispute about the fact that the people of Maralinga Tjarutja have a right to the land that we are speaking of. No-one at all has disputed that. Reference has been made to Premier Playford making a promise in 1954 that these people could return to their land. There has been no dispute at all about that, so it is not a point of contention. The thing that worries me is that the Select Committee had a divided opinion about the conclusions to be drawn from the evidence. That is a disappointment to me because the split is so obvious on Party and philosophical lines that it lessens the effect of the report.

The other fault that I see is that the issue is split so much along Party lines that it colours the whole matter. I think that issue should be decided in a totally isolated fashion, because no-one can tell me that every member on both sides of the House completely agrees or disagrees with this Bill. There has to be some merit in it and there have to be some bad points. However, we do not seem to get there. One of the problems in relation to the Bill (as with other Bills in this State for some time) is the lack of information given to the public before the Bill comes into Parliament. The Parliament received the Select Committee report only a few days ago and the Bill was then thrown into Parliament.

The community is not really sure about what is going on, yet the Government expects the community to accept these Bills. People do not have enough information to make a balanced judgment about this Bill and others (and Federal legislation in relation to assets comes to mind). There are many people in the community whose only contact with Aborigines has created problems. There are dozens and dozens (hundreds in my electorate) whose only association with Aborigines has been in a time of conflict in relation to troublesome neighbours where there is no recourse: the law will not help, and this colours one's opinion of this Bill which, as I said before, has some merit.

The Bill has not been clarified properly, and I do not think that many members of this Parliament accept it or understand it properly. There have been many comments about up-front payments for exploration, even though they are expressly discounted, and that is a real concern. I think that the people of South Australia have a reason to be concerned about that. The royalty payment aspect of the Bill is much the same as the Pitjantjatjara Bill: one-third goes to the people, one-third to the Minister of Aboriginal Affairs, and one-third to the State. Again, it seems that there should be no area of dispute in relation to that. As I perceive the debate so far, there has not been any dispute. It might be interesting to consider what the effect might be if these people could become self-reliant. I refer to the year book of 1983. I took a few figures from that book to determine the Aboriginal population in this State. Even this is not a real cost.

If those people were able to become independent and look after themselves, it would provide quite a saving. In 1981 there were 9 476 Aborigines and 349 Torrens Strait Islanders in this State. I assume that there would be more now, possibly in vicinity of 10 000 or 11 000 people, the vast majority of whom would be on some sort of social welfare payment. They are in great need of medical care and make a great demand on the social welfare resources of our community, which represents a serious cost to the community. I refer to details in the 1983 Year Book of Department of Aboriginal Affairs funding. I am not doing this in any denigrating way, but simply quoting from the book.

In direct funds for housing, health, education, welfare, community councils, recreation, legal aid, employment, enterprises and training an amount of $8 240 962 was spent in 1981-82. An amount of $8 585 641 was spent for State grants to the Department for Community Welfare, Education Department, South Australian Housing Trust, Department of Further Education, South Australian Health Commission, and the South Australian Public Service Board. That represents nearly $17 million in direct costs, apart from social welfare payments. Surely if these people can arrive at a situation where they can fend for themselves in some way, that will be a saving. It must be a help if they have some financial backing for themselves.

There are many problems with the Bill. The risk of the possibility of creating another Yalata on the lands up towards Maralinga was referred to in the press. There are several other risks (and I am saying that in the sense of problems associated with the application of the legislation). There could be costs involved with servicing two communities instead of the one that is now at Yalata. I do not expect that every person at Yalata will go to the new community; not all of them will accept a tribal way of life. Also, as the traditional homeland people pass away, fewer and fewer younger Aborigines will be prepared to accept that way of life. The next generation may be more commercially minded—if I can use that term—perhaps with a harder outlook in regard to what happens with the land.

I do not deny those Aborigines the right to that land. Two matters have come to my attention when discussing this matter with my constituents and others. The first concerns access to the land by people who wish to go there. I can understand the Aboriginal point of view in that they do not wish people to go on to the land when they are holding ceremonies and so on. I accept that. The other matter concerns the mining aspect. If valuable minerals were found on the Maralinga lands the Aborigines there would be at risk, because I believe this Bill would be laid aside that quickly that the ink would not have time to dry. Under this Bill I do not think they have any real security which I think is also the case with the Pitjantjatjara Land Rights Bill. I think that if anything of any real value was found on those lands those Bills would be turned aside.

Unfortunately, we will now spend hours and hours in this House debating amendments which both sides know have no hope of passing. In regard to amending this Bill, I accept what the Premier said in tonight's paper, namely:

> It may be amended in an acceptable way or there may be a conference that will sort out a compromise if there is a deadlock.

I think that that is what will happen. Obviously, the Bill will pass this House and will go to the other place, where some amendments will be made. We will spend many hours here, wasting time on amendments, the Bill will be sent to the other place, it will go to a conference, and there will be an agreement.

The Hon. E.R. Goldsworthy: It will finish up in Annie's room unless some common sense prevails!

Mr PETERSON: Gil Langley said to me when I first came into this place, 'It is a numbers game; if you haven't got the numbers you won't change the law.' The Government has the numbers in this House, and so the Bill will not be changed in this place.

Mr Olsen: But it can be somewhere else.

Mr PETERSON: That is where it should be amended. Let us not spend hours here talking and wasting—

Mr Olsen: This House should not abdicate its responsibility. The honourable member might not want to be here but the rest of us want to put this Bill into some reasonable form.

Mr PETERSON: That is good.

Mr Olsen: If the honourable member wants to go home early he can do so.

Mr PETERSON: I will choose when I go and when I come. We will spend hours here, in the early hours of the morning when no-one will know what they are talking about. It will be a waste of time to try to change the Bill in this House, although amendments will probably be made in the other place.

The Hon. G.J. CRAFTER (Minister of Aboriginal Affairs): I think it has been a very interesting debate which certainly raised the passions of some members of the House. It is interesting to note that a great majority of Opposition members who have spoken are rural members who obviously have entrenched views on the matter of Aboriginal land rights. I think the debate has been of a high standard, although it was unfortunate that it did tend to fray when the member for Peake was speaking: I refer particularly to comments from across the Chamber made to that honourable member with respect to his pronunciation of words or the grammer that he was using. I think it is that sort of intolerance that is all too prevalent in the community. That is the very sort of intolerance that makes the struggles of the Aboriginal communities all the more difficult.

I want to clear up some of the misapprehensions that were evident during the course of the debate. I cannot go through them all, but I will refer that some of those that have been compounded by press statements. First, I refer to the advertisement in today's *Advertiser* inserted by the South Australian Chamber of Mines (which gave evidence to the Select Committee on this Bill). That organisation, as did a number of honourable members, including the member for Flinders, chose to link the Pitjantjatjara land rights legislation of the previous Government and this legislation. Reference was made to 18 per cent of the land of this State being subject to provisions of this legislation. Some discussion has occurred about the area of the land involved. The Leader of the Opposition compared it to the size of England, Victoria, Tasmania, or the like. I can assure honourable members that there is no London Bridge or M.C.G. on this land: it is not possible to compare a wealthy part of the world with this barren desolate area.

Apart from that, there was a implied connotation that this is incorrect legislation for vesting these large areas of land with the traditional owners. That certainly has been evident with respect to the extension of the lands to longitude 133. If there is some fear that certain groups of people are not capable of ownership of large parcels of land, I presume that that is not on racial grounds but on some other grounds. I bring to the attention of the House that South Australia comprises a total land area of 9 843 768 hectares. Of that total land mass, 5 963 100 hectares (that is, 46 per cent of the land) is in the hands of 358 holders of pastoral leases.

If we are to make those criticisms of the Aboriginal community and draw those connotations, we ought to look at the reality of the situation across the State in terms of land holdings. We will then see a different picture indeed. We are dealing in this legislation with 6 per cent of the land mass of this State. There would be fewer than 100 people a year crossing this land other than the traditional owners as very few people traverse these lands. Also included in the Chamber of Mines advertisement in today's paper is the following misleading statement:

> With the best will in the world we can't mine if we can't explore and we can't explore if the legislation results in unrealistic front-end demands which make the risks just not worth it.

I think the words 'front-end demands' imply some extortion by Aboriginal communities to obtain what is, in effect, an unreasonable demand.

I bring to the attention of the House that this legislation specifically prohibits front-end payments or demands of any sort in order to enter onto the land or carry out mining work. The legislation provides for compensation for disturbances to the lands, and goes on to mention royalties. It is most unfortunate that the Chamber of Mines has not acknowledged that the discussions with respect to Hematite concerned compensation for damage incurred during the exploration stage on the Pitjantjatjara lands. There was not a demand for front-end payments, which are specifically outlawed under the legislation. They are not wanted by the mining companies, the Aborigines or the Government.

In tonight's *News* the editorial contrasts sharply with a series of editorials that have appeared in the *Advertiser* and other valued newspapers around Australia, including the Melbourne *Age* and the *Sydney Morning Herald*. Tonight's *News* states:

> It seems wrong for a sectional group to be given what is tantamount to an effective veto over resources, even a search to discover whether they exist.

I believe the Leader and the Deputy Leader of the Opposition referred in their speeches to the Dunstan legislation or model for the Pitjantjatjara land rights which included a direct veto. That was not provided in the Pitjantjatjara legislation and is not provided in the Maralinga legislation. The veto that exists is one that is only in the hands of the mining companies and, in the case of Hematite, that company has chosen to exercise the veto. That power is not in the hands of the Aboriginal community. In that respect the editorial in today's *News* is quite erroneous.

I have commented on the area land, as also has the *News*. That argument, if taken to its conclusion on non-racist grounds across the State, would lead to a ridiculous situation. That point was taken up during the debate by the Liberal Party in Victoria two weeks ago when Senator Missen said that, if that debate was pursued by the Liberal Party, it would be holding itself up to ridicule. It is clear that the Liberal Party around this country, at various State and Federal levels, has different policies on land rights. We see a vast change in the policy of the current Opposition to that of the Tonkin Government on land rights. We see the advancement of the holding of titles by the Lands Trust as a concept that is farther from the genuine desires of the Aboriginal people in Australia than is the concept developed by the National Party in Queensland, which—

Mr Olsen interjecting:

The ACTING SPEAKER (Mr Whitten): Order! The Leader last night was heard in silence. I ask him to afford the Minister the same courtesy.

The Hon. G.J. CRAFTER: There has been a substantial departure in the Liberal Party's approach to land rights in a short period in this State. Almost every speaker from the Opposition benches based his argument on the viewpoint of mining companies and not the Aborigines for whom this legislation is intended to provide. A number of speakers said that the Pitjantjatjara legislation had proved unworkable. I draw to the attention of the House the factual situation with respect to Hematite. Within one week of the proclamation of that legislation, negotiations had begun. At the commencement of those negotiations that company told the Aboriginal negotiators that it was not prepared to pay up-front moneys at the exploration stage. That matter was debated and the point clarified that it was compensation for disturbance. It was then clarified by a formula advanced by the negotiators for the Aboriginal community as to what disturbance to those lands meant in money terms.

That has been referred to by other speakers on this side of the House. The concept of disturbance and the clarification of what was not an up-front payment at that stage was resolved to the extent that the attitude of the mining company firmed up. It is an attitude adopted by all mining companies, as was made clear to the Select Committee. To say that the legislation was unworkable within a week of proclamation is an attitude advanced by the mining companies. They rejected the concept of that legislation, and still do.

The Hon. E.R. Goldsworthy: Garbage!

The Hon. G.J. CRAFTER: I can only suggest that the wishes of the mining companies have been provided for in the Opposition's amendments. The companies say that it is expense in a high risk area of mining which they are not prepared to confront. They do not want to go to arbitration or establish a precedent in this area. They want this Parliament to resolve the issue on behalf of the industry throughout Australia. I have said on a number of occasions that that is not the task of this Parliament.

I wish to quell some attitudes arising that Aborigines in this country are opposed to mining because, simply, the facts indicate that they are not. In the Hematite case, some 40 pages of agreement were entered into with respect to the exploration of those lands and how it would take place. The only point in dispute was the money payments. In the Northern Territory a substantial amount of mining is taking place on Aboriginal lands. Since 1980 the three biggest mining projects in Central Australia have taken place on Aboriginal lands. In the past two years Aboriginal people and the Northern Territory Government have successfully negotiated about 40 projects that have gone ahead in the Territory. I suggest that there has been very amicable relations between mining companies and the Maralinga people in the past, and there is no reason why that should not continue.

I believe that the evidence given to the Select Committee on behalf of the mining companies indicated a great deal of understanding and sensitivity by those companies towards the Aboriginal community and, indeed, towards matters of great sensitivity to them. There is now a very valuable and strong relationship developing between the companies and Aboriginal communities right across this country. There is much more advanced thinking in many of the managements of those companies than we have seen in this debate in recent days.

I want to clarify a point that the Leader of the Opposition made in his speech last night when he was quoting a section of the Select Committee report, and quoting Mr Hiskey, on behalf of the Maralinga people. The Leader may have done this unintentionally, but he cast the traditional owners in a very unrealistic way by very selective quoting. He said in *Hansard:*

> An even more serious proposition was put by Mr Hiskey.

He then went on to quote what he described to the House as this:

> The fixed position, the starting point so far as the community is concerned, and most particularly the starting point for the older members of the community and those with the greatest authority traditionally, is that there ought not to be white people on that land at all.

He then went off to comment on that. What Mr Hiskey said to the Select Committee was this:

> I ask the members of the Select Committee to accept that the position which we have put has not been a fixed position.

He went on to say in his evidence how those traditional elders had moved away from that fixed position as a result of representations made to them by the member for Eyre and by the Opposition. He went on to quote where they had departed from that fixed position. I think it most unfortunate that those people were seen as having a fixed position which was untenable to the Opposition, because that is not the case.

I want to comment generally upon the issue of Aboriginal land rights. The basis for these has been questioned by a number of speakers tonight and, indeed, some speakers have appeared to say that they oppose the concept of land rights *per se*, so I would seek leave of the House to insert in *Hansard* the Letters Patent passed under the Great Seal of the United Kingdom erecting and establishing the Province of South Australia and fixing the boundaries thereof. That document, signed by King Edward in the sixth year of his reign, provided the boundaries of the States and the disposition of lands in those States, but also said the following:

> Provided always that nothing in these Our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own persons or in the persons of their descendants of any lands therein now actually occupied or enjoyed by such Natives . . .

I would suggest that has been our legal, conventional and moral obligation all the way through. That is an obligation that many members said they accept and respect; it is certainly clearly evident right throughout the community, whether from the church organisations, the mining companies, the many people who are concerned to see the Aboriginal community given status at last in our community with respect to ownership of land.

The ACTING SPEAKER: The Minister may table that document without having it incorporated.

The Hon. G.J. CRAFTER: I table that document. The other concept I refer to is that of prior ownership of the lands, a common law doctrine. This country was not a conquered country; it was regarded as a settled country. In effect, it was regarded as having no inhabitants at the time of the first European settlement, unlike the settlement of New Zealand, where an agreement was entered into between the Maoris of that country and the first Europeans. I suggest there is still a doctrine of prior ownership that is open to Aborigines in Australia.

Apart from that, I believe we have a moral obligation to provide these lands and, although there has been little mention of the social conditions of Aborigines in this country, and particularly those who now live at Yalata, I think that is understood by all members. Indeed, in relation to the comments made just recently by the member for Semaphore with respect to the health of Aborigines, a doctor who recently visited and examined the community at Old Maralinga explained to me that those people are indeed very healthy and very happy; indeed, much healthier and happier than are those living on the settlement whence they came.

A number of speakers have referred to the special relationship of Aborigines to the land and I think that that concept is misunderstood. It is a difficult concept, I accept, but it is fundamental to many of the provisions contained

in the legislation before us. Then there are the promises that have been referred to by the former Premier, Sir Thomas Playford, and successive Administrations since then.

Finally, and most important, is the desire of the traditional owners to have this land returned to them. That has been graphically put to each of us who have spoken over the years now to the traditional owners, and we know of their desire to have a strong law over these lands. I would think that that is the difference between the position that the Government takes on this measure and that of the Opposition, and that is the strength of the law that should apply over these lands. It is the view of the Government that we should have a strong law so that these people can have the enjoyment of the land that is enjoyed by other landowners in this State, which is something we cherish very much, but also, so that they can, as some honourable members have mentioned, develop a degree of independence from the very sad and demeaning situation in which the great majority of Aborigines in this country live, and that is that they are totally dependent upon the taxpayer for their very existence.

Motion carried.

In Committee.

The Hon. G.J. CRAFTER: I move:

That this Bill be amended *pro forma.*

Mr GUNN: I want to express some opposition to this measure. It is the first time since I have been in this House that I have seen a measure of this nature taken. The Opposition does not wish to be difficult for the sake of being difficult, but it is going to make the debate somewhat more tedious, because we are in the situation where the amendments which were circulated by the Select Committee do not match up with the Bill currently before us, so therefore, if we take far more time than we desire, it is only that we want to make sure that we do not miss any point. I really believe that the Government is again attempting to force its will on the Parliament in a manner which is quite unnecessary, and I raise my very strong objection to the manner in which it has gone about this proposal.

Motion carried

The Hon. G.J. CRAFTER (Minister of Aboriginal Affairs): I move:

That the Bill be recommitted pursuant to Standing Order 325.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr OLSEN: I seek advice from the Government as to whether it is prepared to accede to the call of the Opposition that this measure be delayed until such time as the provisions relating to access to the lands are clarified. The Millhouse judgment clearly indicated that access provisions under land rights legislation are invalid on racial discrimination grounds. It is quite clear. The Minister himself said on 22 July 1983, the day after the judgment by His Honour Justice Millhouse, that he hoped the Commonwealth Government would respond speedily to South Australia's request for amending legislation to the land rights legislation. The Commonwealth has not done so, as well the Minister knows. The Commonwealth wants the matter decided by the High Court first. Quite obviously, that will not be until next year.

Access is indeed a very important component of this legislation. What this Government is asking us to do is to pass faulty legislation through the Parliament yet again. It seems almost a common practice of this Government to introduce faulty legislation and for it to say to this House and the Parliament, 'Pass this legislation and we will fix it up elsewhere.' This is directly related to the commencement of this Bill. Additionally, we have seen an indication to the President of another place and the Hon. Mr Gilfillan, that the traditional elders are willing to compile a register of sacred sites. That has been a vexed question in relation to land rights for quite some time, as all honourable members would at least acknowledge.

That seems to me to be an important breakthrough in relation to this matter. It is an important component of the legislation as it relates to mining exploration provisions and to exploration in the lands on the eastern side. That is the extra 25 000 square kilometres which the Bill proposes to add to the original claim. Quite obviously, if we are going to ask the elders to identify the sacred site pertaining to that 25 000 square kilometres and the land itself, it is impossible for that to be done over the next two weeks.

There is yet another very good reason why the commencement of this legislation should be delayed for the purposes of passing competent, workable legislation: to ensure that it does not contravene a provision of the Commonwealth of Australia. That is all we are asking this Parliament to do. In the interests of the Maralinga people themselves, and I have put down quite clearly the Liberal Party's position as it relates to land rights for those people, we support that position, but we will not abdicate responsibility and support legislation which is not competent or workable and which has been identified as such by a Supreme Court judge of South Australia. The matter is now to be determined by the High Court of Australia.

It would be total abdication of responsibility by the Opposition in this Parliament to proceed in this matter knowing those facts as they have been stated quite clearly on the record. I want to say to the Minister that we want to support the establishment of land rights for the Maralinga people, but only on that basis. If the Government does not accede to common sense in this matter, and the common sense rests squarely on the Minister before the House at the moment, the Opposition will have no alternative but to use its numbers in another place to reject the legislation outright.

I suggest to him that in the interests of the Maralinga people, whom he claims to champion, we must let common sense prevail and pass only competent, workable legislation that takes account of all South Australian's interests in a matter such as this. Clearly, by the provision as it relates to the commencement of this legislation, the Minister does not understand the mining provisions of this Bill as he has just enunciated. The Pitjatjantjara claim to which he has referred was not for actual disturbances on the land, as the Minister claimed: it was related to concepts which are not covered by the legislation, and the Government would have Crown Law advice that the Pitjatjantjara claim was contrary to the provisions of the Act. Full well the Minister, as a solicitor, knows that fact. Yet, he is still prepared to push this measure before the Parliament.

That is evidenced by the telex the Government received from B.H.P. today, clearly indicating the problems to which we have referred in this Parliament and to which His Honour Justice Millhouse has referred—that we would be passing incompetent legislation. I quote only the last paragraph because I have no doubt that the Minister has read the full telex that went to the Premier late this afternoon. It reads:

> If the Bill goes through in its present form, B.H.P. believes that it will act as a complete disincentive to any grass roots exploration being undertaken on the lands covered by the legislation. This will benefit neither the traditional owners, exploration and mining interests nor the future economic development of the State of South Australia. B.H.P. and other exploration and mining companies would welcome an opportunity to discuss suitable amendments to the arbitration provisions with the Government and other interested parties affected by the Bill. In view of the fact that certain parts of the proposed legislation will not come into effect immediately in any event—

presumably on the commitment of the Government that it will proclaim some and not others in case they are invalid (what nonsense)—

it is submitted that the Bill could be deferred until the next session of Parliament and arbitration provisions amended to ensure that the overall objectives of the Bill are met.

Those are objectives that the Government and Liberal Party want from this legislation and provisions that will be in the long-term interests of the Aboriginal people for whom we are considering this legislation in the Parliament. So far calls for delay in introducing legislation have fallen on deaf ears of Government Ministers. The Premier will not talk to the mining companies. The Minister of Aboriginal Affairs is reluctant to discuss these obvious defects in the legislation and the Government is afraid to face some of the hard decisions. Of course, that is not unusual. We have seen that nonsense with legislation before this Parliament, of which this is yet another example.

The Minister even refused an invitation to debate this matter with me on *Nationwide* tonight. Running scared; that is fine, run away! I am sorry *Nationwide* did not give him the empty chair treatment which should be given to the Government, because the Liberal Party was prepared to front up and give the people of South Australia its reasons why this legislation should be deferred—valid sustainable reasons which have been identified by no less than a Supreme Court judge of South Australia.

I think the *News* today refers to a position taken by the Premier, talking at arms length regarding this matter. I notice that the Premier seems to be not one arm's length but two arms' lengths away from this legislation before the House. He is talking about some compromise. Is he talking about the position in relation to the Government?

The Hon. E.R. Goldsworthy: He hopes the other place will fix it up for him.

Mr OLSEN: He is not prepared to fix it up for himself. He pushes it off to another place. The Minister of Mines and Energy has been silent on this matter. It makes one wonder whether the Cabinet is at one in relation to this Bill, in fact, whether some of its members do not actually agree with the same amendments that the Liberal Party is attempting to establish in this legislation. This Government should accept that the Bill must not proceed in its present form, and that a delay until next year will give time to resolve the current problem. I say to the Minister that, if he is genuine in achieving the objectives of this legislation, despite what the Minister says about a change of attitude by the former Administration, we are also genuine in our objective on behalf of the Liberal Party to establish land rights for the Maralinga people.

However, it has to be passed through this Parliament as competent, workable legislation. It is no good establishing legislation on the Statute Book that is rendered invalid as a result of the Federal Act. That is clearly the question before the Minister at the moment. I call on the Minister yet again to let common sense prevail, and let not the commencement date be upon proclamation on a day to be fixed after the Bill is passed through the Parliament. Let us take some time and get legislation that is workable for all parties and all South Australians, not the least of whom are the traditional owners of the land.

The Hon. G.J. CRAFTER: If the Opposition is serious in its desire to vest these lands in the traditional owners, it will get on with the job, and the quicker it is done the better. I remind the Opposition that it took the Pitjantjatjara legislation many months to be proclaimed. There were matters outstanding that had to be clarified and arrangments made, and that took some time to achieve. It is the same with this legislation. The Leader of the Opposition used the word 'delay' a number of times: I ask why he wishes to delay the vesting of these lands.

We have not suspended the operation of the Pitjantjatjara legislation because of a challenge before the court; we have not closed that Act down. It is subject to court challenge like all other pieces of legislation that are subject to court challenge. We have undertakings from the Federal Government that it will amend its legislation if the Millhouse judgment is not overturned. We have advice on the validity of the Millhouse judgment which undoubtedly leads us to want to appeal to the High Court on this matter. That is the appropriate course for a Government to take. Those matters are outside the control of this Parliament. So, I would suggest that we pass this legislation and not proclaim those parts until the matter is clarified. Presumably that will not be for many months. To delay this legislation for that purpose is meaningless. These people have suffered enough delays; they want some final action by this Parliament on this important measure.

Mr OLSEN: The Liberal Party is not talking about brinkmanship in relation to this legislation. Let the Minister clearly understand that we have a genuine and sincere desire for this legislation to be enacted as soon as possible, but it should be competent legislation. We will not resile from our position on the matter. I ask the Minister to reconsider his position so that we can deal with competent legislation before the Parliament.

The Hon. E.R. GOLDSWORTHY: What the Minister has failed to recognise is that the Liberal Party is not seeking to throw legislation out the window for the sake of throwing it out, nor is it saying that there are major changes to be wrought in the Pitjantjatjara land rights legislation. The Minister is seeking to tinker with that Bill and knows that he introduced legislation in relation to amendment of the Pitjantjatjara land rights legislation in a number of ways. Similarly, changes are wrought in this Bill to accede to the requests of the Aboriginal spokesmen that they could not achieve during the total negotiation of the land rights legislation.

That legislation was a package deal, so to speak. There was give and take on both sides. The Government of the day, of which I was a part, gave away things it did not want to, not because it was trying to be ungenerous but because in its judgment it was trying to strike a fair balance between the competing interests of the Aboriginal people and the proper aspirations of the State to develop its resources for the benefit of the whole State. If the Minister thinks that he can put a fence around these lands and forget them, he is not living in the real world. Whatever happens in this land rights legislation, it is a compromise. It is a question of where the balance is struck. The Minister should not fool himself into thinking that he is solving the Aboriginal problems of this State by enacting this legislation. The Opposition is in favour of land rights legislation: we were the first Government to introduce it, but we are talking about where that balance has to be struck to do the fair thing by the Aboriginal community and the rest of the people in this State.

The lawyers who were negotiating for the Aborigines and others were not happy about one or two aspects of the Bill, but it was a part of the deal. However, those people have gone to this compliant Government and said, 'We want this,' and the Government has said, 'Right, you can have this.' The Minister is monkeying around with this legislation. We are not repudiating that measure. There was one area in which I was involved where the interpretation was not in accord with the clear memory of all Government negotiators, including me, and that led to an impasse. We believe that should have been clarified, keeping faith with the agreement we reached; it is as simple as that. It will be more

appropriate for me to talk about royalties later. However, the Minister is seeking to go further than was agreed, simply because people have asked for it. We are seeking to balance the legitimate requirements of the 1.25 million people who live in this State, white residents with the Aboriginal community who live in this State. The Government can go on with all this airy fairy business about King Edward but, if one followed that argument through to its logical conclusion, we would all get out tomorrow.

Mr Gregory interjecting:

The Hon. E.R. GOLDSWORTHY: Does the member for Florey, who is laughing not believe that the area that he occupies was under Aboriginal occupation when the first white man came to this State? Has he not read anything of the history of Adelaide? Does he know nothing of the Aboriginal tribes who were resident in the vicinity of the Torrens?

Members interjecting:

The Hon. E.R. GOLDSWORTHY: Does he not understand that if one follows this argument through to its logical conclusion the whole of this State is Aboriginal land? Of course it is. When I was a youngster living in Glenelg there was evidence of Aboriginal occupation in the backyard of the house we occupied. What I am saying is this: any result of this legislation is a compromise of competing interests between sections of the South Australian community. We are seeking to strike what we believe is a sensible and fair balance which will benefit the whole community, and not simply for a Minister to accede to requests and turn his back on the legitimate aspirations of others in this community. We will do our darnedest to ensure that this Bill leaves this place in what we believe is a satisfactory way of balancing those interests. He is the Minister of Community Welfare and he is concerned about people: I acknowledge that. For his concern to have any practical impact on this community, he needs money and wealth generated in South Australia—

The CHAIRMAN: Order! The honourable Deputy Leader must come back to the clause.

The Hon. E.R. GOLDSWORTHY: I will. When this Bill becomes effective it will have a very great impact on the point I am making. It is fine and dandy for the Minister to say of the Select Committee, 'We know there is a problem in relation to entry onto the lands: we acknowledge that. We do not know what the answer is.' Well, I and the Liberal Party do, and I believe that this problem has arisen because there was a breach of faith. That is the situation in the eyes of one who has been intimately involved in this for the last four years, three years in Government particularly.

If the Minister wants to do his job as Minister of Community Welfare, he cannot turn his back on the economic realities of life in this century and this decade in particular. Is he prepared to tolerate a situation which will lock up the resources in his State inexorably, as he knows it will, unless he thinks these mining companies are bluffing? The member for Peake can denigrate them: they just want to come and rape the country.

The CHAIRMAN: Order! The Chair does not intend to allow the Deputy Leader to go literally into a second reading speech. We are dealing with clause 2, which is simply a clause to decide the commencement of this Act, and I ask him to come back to the clause.

The Hon. E.R. GOLDSWORTHY: Thank you, Mr Chairman. I will reserve my remarks to a more appropriate clause, but what I am saying now I will say sooner or later.

Mr GUNN: Unfortunately, it would appear that the Committee and the Parliament are heading for a situation where this Bill will not see the light of day. The Minister and his colleagues were warned on a number of occasions and it was made abundantly clear to them what would happen to this Bill if they did not accept middle ground. I am very sorry to say that, not only will we be forced to debate at length several clauses so that there is no misunderstanding whatsoever in relation to the Bill, but if the Labor Party and the Minister are genuine in their attempt to get land rights for the people at Maralinga and those people living at Yalata, they ought to face reality and accept a bit of common sense. The Leader has clearly explained to this Committee the Millhouse judgment, and the Minister will recall the day at Ernabella when Mr Toyne and company were informed of the judgment. We had to go into Alice Springs and meet comrade Holding in relation to giving a guarantee of what would happen in the future.

The Hon. H. Allison: Mr Fix-it.

Mr GUNN: I do not know what was the basis of that negotiation. We were in the terminal at Alice Springs.

Mr Whitten: What's that got to do with commencement?

Mr GUNN: We are dealing with the commencement. If the honourable member wants to interject, that is up to him. However, the Liberal Party has made its position clear, and this is the first opportunity we have had to object to the comments made by the Minister when he doubted our credibility and sincerity. It would not have been necessary if the sincerity of the attitude clearly displayed by the member for Chaffey—

The CHAIRMAN: Order! The Chair has tried several times to bring the debate back to clause 2, which deals with the time element of commencement. It does not deal with Alice Springs, Mr Holding or anyone else. I ask the honourable member for Eyre to come back to clause 2, and in future I will make it very strict. We are dealing with clauses, not with second reading speeches.

Mr GUNN: Thank you, Mr Chairman. I am very happy to accede to your ruling because this clause deals with the commencement date of the operation of the legislation. There are two clauses: one is in relation to commencement and one grants the Government power to make a proclamation in relation to numerous clauses. The Minister has given no undertaking that clauses in the Bill will not be proclaimed, particularly those which will deny mining benefits not only to the people at Yalata but the community at large. I think that even blind Freddy would recognise that, if this clause stands in this Bill, we are inflicting grave hardship on the South Australian community unnecessarily.

Will the Minister say where the Government stands in relation to the Millhouse judgment, and will it proclaim this Bill before the High Court deals with the matter? Secondly, does it intend to withhold proclamation of this clause which dealt in particular with mining exploration? When we have those answers we can proceed in a sensible and logical fashion to the other clauses. However, until these matters are cleared up, there will be a conflict in this Committee and the debate cannot proceed in a rational and proper fashion. If we do not get positive and constructive replies to these questions, the Committee cannot logically debate the Bill because we have a cloud hanging over this legislation.

It is very well for members opposite to try to make fun of me: they can do it all night. However, we are sincere in our concern and, had it not been for the attitude of some people in this Chamber and outside, the people of Maralinga would have had their land and the member for Chaffey would have solved the problem for them. It is no good saying that we are not sincere and that we stopped these people having their just deserts.

I want those questions clearly answered by the Minister, and there are many others that I can ask, because I understand the legislation. This is the third Select Committee in which I have been involved and I believe that it is the responsibility of this Parliament to explore these matters in

depth, because the weighted evidence from the community in relation to the concerns expressed cannot go by without being properly debated. I look forward to the Minister's response.

The Hon. G.J. CRAFTER: I draw the member for Eyre's attention to the recommendations in the Select Committee report about the conflict between the Pitjantjatjara legislation and the Commonwealth Racial Discrimination Act. That is the view of the Government, and that is the undertaking that I will give to the Committee. I suggest that a number of matters, as I suggested in relation to the Pitjantjatjara legislation, need to be attended to, following the passage of this legislation, and the appropriate method would be to have them clarified and the Bill proclaimed when that is done, and that is the intention of the Government.

Clause passed.

Clause 3 passed.

Clause 4—'Interpretation.'

Mr GUNN: I move:

Page 2, lines 13 and 14—Leave out definition of 'Aboriginal person'.

The Select Committee brought in an amendment to the original Bill to insert a new definition of 'Aboriginal person'. The purpose of my amendment is to delete this definition. At a later stage I intend to move an amendment that will allow Aboriginal people to invite onto their lands any person of their choice. This amendment is consequential on the amendment that I will be moving later. I understand that Northern Territory legislation contains a provision which allows for this to occur. Under that legislation a traditional owner can invite to the area in which he lives any citizen of Australia. It seems to me that those people who wish to live on the Maralinga lands (and it has been indicated to us quite clearly that a number of people, particularly elderly people, wish to do so) should be able to do this also.

Perhaps they might like to invite someone like Mr Barry Lindner. We all know of the scurrilous accusations made about Mr Lindner and of the deliberate attempts to stop him from going to Yalata. I have on file documents that were prepared by extremists who made scurrilous attacks on him. Such people could influence the committee and take a course of action designed to deny a person like Mr Lindner the opportunity of entering the lands. In Mr Lindner's case, on many times those people demonstrated that they were prepared to welcome him with open arms. Such a person might wish to enter the lands but be denied a permit. There is a good reason for this amendment, and I see no harm arising from it. There is a provision to enable the removal of a person from the lands if necessary.

It is not necessary for me to say any more at this stage. I believe that it is essential that the amendment be carried. It is not a new concept, because this provision already applies in Northern Territory legislation and, therefore, it ought to apply in this legislation. If the Government closes ranks and knocks it out, that will be just one more notch in the downfall of the Bill. It has been made very clear what will happen if common sense does not prevail. I sincerely hope that we can continue this debate in a rational and friendly fashion and that the Government will accept legitimate amendments put forward by the Opposition. We do not want to see the measure defeated. We do not want to come back next year and debate the matter again, because it can be fixed up on this occasion. I hope the Minister will accede to my amendment.

The CHAIRMAN: The Chair recognises the amendment as a consequential amendment in reverse.

The Hon. G.J. CRAFTER: The Government does not accept the amendment. This provision is a departure from the Pitjantjatjara legislation, and is seen by the Maralinga people as a concession that they have made. It was at their request that the right of entry of persons be limited to other Aboriginal persons. The Government respects that request. The fear expressed about going as far as the honourable member provides in his amendment (and that fear has been realised to some extent in the Northern Territory) is that such a provision would open up some problems of invitations to persons by bribery. This relates to the problem to which I referred earlier of up-front payments. I believe that those involved have a responsible and different approach from the Pitjantjatjara people with respect to entry of people onto the lands. They described to the Select Committee the circumstances whereby they would like to invite onto the lands Aboriginals other than the traditional owners. The Government is providing for that request which I believe was made by the traditional owners on valid grounds.

Mr GUNN: I am sorry that the Minister has adopted that stance. I find it difficult to understand why he will not accept the amendment, because this provision has worked well in Northern Territory legislation. I appreciate why the Government amended the original Bill; I always thought it absolutely ridiculous that residents of the Pitjantjatjara lands could not invite onto those lands another person without an Aboriginal permit. The Pitjantjatjara legislation is deficient in a number of ways. When the legislation was passed everyone recognised that it would be necessary to bring in some machinery amendments and other significant amendments: it is becoming more obvious every day that it will be necessary to amend that legislation. I am happy to indicate to the Committee that during the next session of Parliament I intend to bring in some amendments, and the one referred to tonight will be among them.

The Hon. H. Allison: As well as even bigger amendments.

Mr GUNN: Yes, it will be necessary to bring in some even bigger amendments. It is obvious that certain initiatives need to be taken to amend the Pitjantjatjara legislation. I cannot accept the Government's argument on this occasion. I shall put this matter to the test at the appropriate time, and hope that common sense prevails. This matter could be thrashed out at a conference, although that would be highly unlikely because, if the Government persists with its attitude, the Bill will fail at the third reading in the other place.

The Hon. E.R. GOLDSWORTHY: Denial of this amendment would provide a fertile field for judgments of the type recently made by Justice Millhouse. The Minister is saying that an Aboriginal can invite any other Aboriginal onto those lands but cannot invite a white person without obtaining permission. If that is not racial discrimination against a person because he happens to be white, I do not know what it is. I believe that the Millhouse judgment found that discrimination occurred in regard to another Aboriginal because he was not a member of the Pitjantjatjara tribe. The Minister is putting forward a proposition here that the Government will not accept an amendment that will allow a traditional owner of the land to invite whomever he likes onto his property. That situation would be equivalent to the law prohibiting a white man from inviting an Aboriginal onto his property without getting the permission of his family.

He could invite a white man but not an Aboriginal. It is an extraordinary situation for us to get into in this day and age. Some 400 people are involved in this enormous tract of South Australia. A traditional owner cannot take in a white friend if he so wishes. He can take in a black friend or part-Aboriginal but not a white man or woman unless he gets a permit. If that is not a clear case where a judge would say that that is racial discrimination, I do not know what is. It is a completely untenable position.

What the member for Eyre is suggesting is only plain common sense. In this day and age the Government's posi-

tion is completely untenable if this business of racial discrimination is to have any meaning at all—in this case against whites. It is an absurd situation. It is discrimination against blacks because they do not have the freedom to invite on to their lands whom they so wish.

Mr MEIER: I would appreciate an indication from the Minister of whether the comments made by the Deputy Leader of the Opposition were correct. If they are, I can only agree with his resumé that it is discriminatory. Furthermore, if it has degrees of discrimination the person who is part-Aboriginal would be allowed, whereas a person who had no Aboriginal blood could not enter without permission. Will the Minister comment on those observations?

The Hon. G.J. CRAFTER: It is no more discriminatory than is the right of the Adelaide Club to prohibit women from entering the portals of that building. This matter will be decided by the High Court or the Federal Parliament. A need exists to understand the way in which these people in whom we are attempting to vest these lands live and go about their life. They explained to the Select Committee their relationship with other Aborigines and their desire to bring those people onto the lands from time to time. They have to notify the Maralinga Tjarutja of the intended visit of that other person and then, as the member for Eyre has said, there is a right in the Maralinga Tjarutja to revoke that permit so granted.

I suggest that this attempts to take account of the way in which those people go about their life and the friendship they have with other people. That is different from the way in which Europeans go about their business and want to go on to the lands. It is a sensitive area. As the Leader of the Opposition pointed out in his introductory remarks, it is attempting to take account of that in the best way that can be expressed in the legislation. I hope, as do all honourable members, that as soon as possible this matter of inverse racial discrimination will be clarified. I am sure that racial discrimination federally was never intended to frustrate the operation of legislation such as this. The sooner it is clarified the better.

The Committee divided on the amendment:

Ayes (22)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn (teller), Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Amendment thus negatived.

The Hon. E.R. GOLDSWORTHY: I move:

Page 2, after line 22—Insert new definition as follows:

'exploration operations' means all operations carried out in the course of—

(a) prospecting or exploring for minerals within the meaning of the Mining Act, 1971;

or

(b) exploring for petroleum within the meaning of the Petroleum Act, 1940,

and includes operations conducted under a retention lease within the meaning of the Mining Act, 1971.

This is the first of a number of amendments designed to do what the Minister says the Labor Party is incapable of doing. In relation to the problem of overcoming the difficulties of exploration, in the Select Committee he said as follows:

We talked about it frankly with the mining companies and with spokesmen for the Aboriginal communities and we do not have the answer. It is as simple as that.

The Minister earlier tonight spoke with seeming authority about the Hematite negotiations. I do not know what his answer to that is, but I want to repeat a couple of things I said earlier. First, I believe that that impasse arose because there was a breach of faith in what had been clearly discussed during the negotiations for the Pitjantjatjara land rights, and these amendments seek to fix that situation, because it is repeated in this Bill. Subsequent to that Bill's being enacted, there was a legal interpretation of a mining tenement and it was found that exploration came within that ambit, so the horses were off and running, and the demands were made.

The Minister talks about protracted negotiations. Everything was negotiated to the satisfaction of the Aboriginal community in relation to protection of sacred sites and rehabilitation of land. All that was outstanding was this question of the mighty dollar. We have had the speech tonight of the member for Peake, who talks about these wealthy companies, and says that all they want to do is rape the land; in another breath we hear from the Government that the Aborigines want the mining companies to come on. We hear that from the Minister. We hear from the member for Peake that all they are going to do is rape the country.

Mr Plunkett: What part of *Hansard* was that in?

The Hon. E.R. GOLDSWORTHY: He talks about gouging great holes in the land. The member was in full flight. If he cannot recall what he said, I can. I would be very interested to read tomorrow what he said in relation to the activities of these mining companies, which, according to him, want to come in and rape the country. The argument came down to the mighty dollar: what the lawyers, acting in this client relationship with the Aborigines, could screw out of these companies. This went on for quite a period. I was a Minister trying to arbitrate occasionally, when invited to come in and see whether we could hasten the matter along. As the present Minister knows, the end result is perfectly clear. It has been made clear locally as well as nationally that the end result is that if this Bill passes into law as it stands then we can wave goodbye to any thoughts of exploration activity on any of these lands, Pitjantjatjara or Maralinga. He knows that, unless he and the Government believe that the mining companies are kidding.

I do not know whether he believes the mining companies are kidding—I do not. I have dealt with them for a few years now and I know that they are not kidding. I know that, if this passes into law, what they are saying will come to pass; there will be no activity at all on these lands. That is the choice the Government has to make. I have read the evidence of the Select Committee and I quoted some of it in the speech I made last night. There are people who suggest that the mining industry is not worth having anyway.

The Hon. H. Allison: Is there any evidence from the Northern Territory to support that?

The Hon. E.R. GOLDSWORTHY: The evidence from the Northern Territory is that since 1973 there has not been one new exploration licence issued on Aboriginal land.

The Hon. G.J. Crafter: There is plenty of mining on Aboriginal lands.

The Hon. E.R. GOLDSWORTHY: Yes, that is after discovery is made, but there is no argument about the mining provisions. The companies are happy, once they have found some economic resource, to bargain with the Aborigines as to what is adequate compensation, but they are not prepared in a very high risk business, one in one thousand, to spend large sums of money to add to the risk money put in to find out what is there.

I am not denying that, nor are the companies concerned. They are not arguing about the mining provisions in relation to a viable mining operation. We are talking about going

on to find out what is on that land which belongs to all of us, and one of the principles which the former Labor Premier was prepared to give away was to give a complete right of veto to the Aboriginal people. We heard a different story, depending upon whom we talked to. The present Minister says that the Aboriginal people do not mind mining. Certainly, those in the Northern Territory do not. They have literally had millions of dollars in royalties and they are looking for compensation now, because the Hawke Government has closed down some of their uranium mines. They want mining, but we had one of the white lawyer spokesmen saying, 'Really, the Aboriginal people do not want mining on their land.' I was in on this session with Hematite. The member for Chaffey was there, and he will remember it. We said, 'The end result of this negotiation is going to be that they will get their own way, because they will kill it', and that is the position in which we find ourselves, I believe that the Aboriginal community will accept mining. I believe that we, as legislators, have to make sure that we know what resources are there and that they are sympathetically developed.

I was very disturbed to read the evidence (and I quoted it to the House last night) of the spokesman for the Council of Churches. I do not for a moment believe that he reflected the general view. I read all of his evidence, because the Minister said to me, 'Have you read all the evidence?'. I rechecked and read all the evidence again. What I quoted to the House last night was repeated twice, in the written submission and then in the oral submission by that spokesman. I believe that some members in the community, including that gentleman in particular, do not have any real grasp of what generates wealth in the community and what a community and Government have to do if we are to share the spoils, if we are going to make, in the aggregate, everyone in the State better off.

As I said earlier, when I was ruled out, the Minister, as Minister of Community Welfare, can only do his job to the satisfaction of the underprivileged in South Australia if he has money to spend. Somebody has to generate that wealth. There are people (and I suspect the member for Peake is one of those) who would prefer not to have mining companies, the multi-nationals who are here to rape the country.

Mr Plunkett: Those were your words, not mine.

The Hon. E.R. GOLDSWORTHY: You did not use the word 'rape'.

Mr Plunkett: That is right. Why use it?

The Hon. E.R. GOLDSWORTHY: I am paraphrasing what the member said.

Mr Plunkett: Use the word I did use. I can speak as well as he can.

The Hon. E.R. GOLDSWORTHY: I respect what the honourable member said. I respect that he speaks with conviction.

Mr Plunkett: You repeat it the way I said it.

The Hon. E.R. GOLDSWORTHY: I cannot remember it. I am pretty smart, but I cannot quote it word for word. I know the sense of what the honourable member said. In effect, he was saying all the companies want to do is come and rape this land. He did not use the word 'rape', but that is what he meant. They want to dig great holes and think of nothing but their pockets.

The Hon. Michael Wilson: 'Tear the guts out of it'.

Mr Plunkett: There is a vast difference between that and rape.

Members interjecting:

The CHAIRMAN: Order!

The Hon. E.R. GOLDSWORTHY: What I am saying is factual. I know that anybody who deals with the mining industry, anybody in this sort of debate, is suspect by one side of the argument. If a person works for a mining company, if he has anything to do with mining, he is immediately suspect. But before I deal further with that, clear evidence was given to the committee in terms of the contribution that mining makes to the general prosperity and wealth of this nation, that it is something like 40 per cent of our total commodity export—between $7 billion and $9 billion a year.

If one follows the argument of those people through to its conclusion one will in fact knock it all out and not have a bar of it. One would switch off the Pilbara and all these enormous developments around the nation which run second to primary production in terms of our export income. That is a ridiculous proposition. If we are to lock up great sections of this nation, we are being extremely foolish. We will inhibit the Minister in future in his ability to look after the people he is trying to look after as Minister of Aboriginal Affairs.

I have correspondence from various mining representatives, suspect as I say if one is on the other side of the argument, but it is a fact, whether one likes them or does not like them, that on the State and national level, if we let this Bill go through unamended, that will be the stone end of any hope of finding and developing resources in this land. I have a letter that turned up two days ago from Bruce Webb who, in this debate I suppose is suspect because he happened to be Director-General of Mines and Energy for quite a long time in this State. He served both Liberal and Labor Governments well and was respected, as I understand it, by both Governments. Recently, he retired as Director-General of Mines and Energy.

An honourable member: He still works, though.

The Hon. E.R. GOLDSWORTHY: He has a job as General Manager of Poseidon, but he retired voluntarily as Director-General. I said, 'Can I read your letter to the Parliament?' and he said 'Yes'. I respect Bruce Webb, and the former Labor Minister of Mines and Energy also respects him. He is one who has a knowledge of the industry as a public servant of some distinction and note for some years. He was in Canberra in the last day or two, so I telephoned him and asked whether I could read his letter into the record. He said 'Yes'; he also said he had written to the Premier (and I think to the Minister of Aboriginal Affairs) in like terms.

Of course the beginning and the end of the letter would be different, but I understand that the substance is similar. What the Minister is telling the House is that he is rejecting what Bruce Webb is saying. I will read what he said—what the Minister has turned his back on, does not believe is important, or believes the mining companies are kidding. I, for one, do not. I would like to see the resources of this State developed so we can generate wealth and look after the underprivileged, which the Minister is charged with doing and so that our children may have a more secure future.

I am interested in balancing that legitimate aim with the aims of Aborigines who will get nothing out of mining development if nothing takes place. The Minister has admitted that they want it, and I believe most of them do. This Bill will prevent it from happening. Either the Minister is completely out of touch with reality or he believes these people who have written to him and us are liars. I do not. Bruce Webb's letter reads:

Dear Roger,

You would be aware of my personal concern at the reported intention of the Government to implement the recommendations of the Select Committee of the House of Assembly on the Maralinga Tjarutja Land Rights Bill, 1983, in so far as these relate to exploration and mining. As you know, as someone whose professional life has been closely involved with mineral exploration and development, I have been concerned for a number of years about this matter. As you would be aware, I, along with most other

South Australians, endorse the concept that Aboriginal people should have the right to own their traditional lands and to operate them as they wish; although I would have to express some concern at the very large areas involved in the present instance, which may well lead in the future to some friction between Aboriginals and non-Aboriginals and indeed between Aboriginals with land rights and those without.

However, my real concern relates not to land rights as such, but to the matter of mineral rights, and the importance of maintaining the principle of 'Crown ownership' of minerals, in these lands, in the full sense of the designation. It is quite pointless maintaining this concept—which means in effect ownership by all the citizens of the State, if access to search for these minerals is restricted in any significant way, because without exploration there will be no discovery and no minerals to 'own' and from which to derive provisions for mineral exploration set out in the Pitjantjatjara Land Rights Act, and which I understand have been reproduced in the present Bill, have been shown not to work in practice, and for the Committee to suggest otherwise shows a total failure to come to grips with the realities of mineral exploration. It is common knowledge in the industry that the negotiations between B.H.P. and the Anangu Pitjantjatjaraku over access for B.H.P. to explore for oil in the Officer Basin failed solely on the particular matter of totally unrealistic and unreasonable claims for compensation payments as a condition of exploration.

The Pitjantjatjara Land Rights Act and proposed Maralinga Tjarutja Land Rights Bill effectively prevent exploration from commencing because no exploration manager is going to recommend to his company to commit to exploration not knowingg what the 'compensation' costs are likely to be. Certainly no company will be prepared to risk this matter having to be settled by arbitration when there are no established criteria or traditions on which arbitration can be sensibly based, and where the criteria required to be taken into account by the arbitrator are weighted heavily in favour of the landowners.

It cannot be emphasised enough that exploraton is an uncertain and high risk business. Based on the historical average cost of funding a mine in this country, no company would be justified in committing funds for this objective unless they believed they could somehow do much better than the average. If any further uncertainties are added to the risks already accepted as unavoidable, then companies will take their exploration dollar and skills elsewhere. This is all too obvious from what is happening in the Northern Territory on Aboriginal land, and more recently in South Australia on Pitjantjatjara land.

Exploration and mining have been important in the development of this State. It is generally recognised that every one job in mineral resource development leads to seven other jobs in the community. This State is doing itself and its citizens a disservice in putting unrealistic constraints on mineral exploration over large areas of the State. Mineral royalties could be a vital factor in holding back, or even reducing State taxes, and the secondary and service industries associated with mineral development can bring very much needed employment opportunities. I ask you to use your influence in the coming Parliamentary debate on this matter to ensure that the security and welfare of all citizens of this State are properly taken into account.

Yours sincerely,

(Signed) Bruce P. Webb

I can assure Bruce Webb that I will do just that. I will use every bit of influence I can within the Party of which I am a member, within this Parliament and the community, to enact what I believe is a fair and sensible balance, giving the Aboriginal people the traditional owners—400 of them—this vast slab of South Australia. I do not object to that. But I do object to conditions which do not obtain anywhere else in the State. I do not object to those conditions being quite different in relation to a mining operation but in relation to finding out what wealth the community owns there the conditions must be realistic enough to see that a search takes place.

I do not think that the Minister knows what the current Mining Act says in relation to operations on the land. This amendment is a precursor to others which, in effect, will allow the Mining Act to apply at the exploration phase only. We do not want to tinker with the development or the Aboriginal's right once we know there is something there and there are some spoils to share. We do not mind them having a bigger slice than you or I would get if there were minerals on that land. I realise those Aborigines are an under-privileged group. They will not benefit from anything undiscovered. They will not get benefits from anything like the millions that are about the flow from Northern Territory uranium rights. The legislation spells that out.

Unless the right is there to go and find these minerals, we are talking nonsense. There was a clear breach, I believe, in relation to those demands that were made. I believe that the spokesman for the Aboriginal people in the case of Hematite believed the company was kidding. I think it was like a typical lawyer on a workers compensation case—'I will get some more for you.' They then go to arbitration and screw another $250 000 out of the court.

[*Midnight*]

It involved a lawyer doing what he perceived was the best for his client, but it might not be in the best interests of the whole community; that is the Government's responsibility. It nearly fell over backwards when Hematite said 'Get lost', when the Australian Mining Industry Council said that it was absurd, and when the Australian Petroleum Exploration Association of Australia said that it was absurd; that is the current situation. The legal representative was screwing the company too tightly. The decisions that the companies make are commercial decisions. They will not be subject to the uncertainty of arbitration. No-one ever envisaged that, and that is on the record of the Select Committee on the Pitjantjatjara lands, and that included Philip Toyne.

Mr GREGORY: The Deputy Leader is perpetrating a mischief in this Parliament. He referred to Hematite's proposed exploration and no-one disagrees that the Pitjantjatjara people and Hematite had reached agreement on all phases of exploration except in respect of money. Page 347 of the Mr Toyne's evidence and page 383 of Mr Griffith's evidence to the committee indicate that that was the case.

It seems that B.H.P. walked away because of money demands made by the Pitjantjatjara people. It was my understanding that negotiations took place and the company decided not to proceed. Negotiations are sometimes a prolonged process. The Deputy Leader has painted a picture of unrealistic demands taking place and lawyers not acting for the right reasons. He would get upset if lawyers in this country did not carry out their clients' instructions or act in their best interests. He would probably march down to the Law Council and demand that it be done.

The situation with Hematite needs to be understood. That company undertook exploration in the Officer Basin because it was to be on dry land. It is a company skilled at exploring for oil in the sea. Its partnership with a number of other companies in Jabiluka has just come to fruition and it will take five years to ascertain whether it is a commercial find, but Hematite is extremely excited about it. The matter of Hematite exploring for oil in the South China sea is not as simple as members opposite make it out to be. B.H.P's view about that is that it is not 'if' but 'when' it will make a discovery. Apparently its optimism is very high and as members opposite said, it has high skills and expertise in that area; I believe that that is so.

The income tax provisions are worthy of study in relation to what is available to companies that become involved in exploration for oils in Australia. Hematite's withdrawal from the Officer Basin was not because of problems with the Pitjantjatjara but because there was a better opportunity to spend the $30 million. The Act states:

If, after taking into account all other allowable deductions including other special mining deductions, the taxpayer's net mining income has been totally absorbed or is insufficient to offset the whole of the explortion expenditure, that expenditure, where it is incurred in the 1975 or later income years, or the excess of it, is allowable as a deduction against net mining business income.

That means that if in one year B.H.P. spent $8 million (and heaven forbid if that company did not have profits in excess of $8 million, say it had $4 million), it could claim a deduction of $4 million, not pay any income tax and carry it over to the next year. The $30 million alleged to be spent in the South China Sea means that they would not be allowed to claim a tax deduction. It would mean that the $30 million figure touted about as being spent in the Officer Basin by Hematite would be reduced to $15.9 million over the period of the programme.

The nature of the exploration involved a number of bulldozers, 100 men, six airstrips, a number of holes drilled, and 3 000 kilometres of seismic lines—not someone walking over the land and putting in a piece of wire. It involved a bulldozer cutting a blade width path, and it was argued (I think quite truthfully) that that would mean more disruption than an actual mining operation for oil which would, because of the remoteness, not entail people living on-site but people being flown in and out.

It was put to me by the Council how the communities in the North-West would benefit. When they talked about monetary compensation, they wanted an amount set, and the company did not want to do that. It wanted to offer compensation in kind, and what it talked about was roads, airstrips, and a water well on the basis that, when the equipment was there, that would be done.

That is what the Aborigines wanted, but they also wanted a value put on it. I do not blame them for that. They fully appreciated that some facilities might have had to wait until the completion of work by Hematite. They fully expected that, but they wanted to know what they were getting. They did not want to be treated in a paternalistic way. As representatives of workers, we also did not want to be treated in that way. We wanted to know what our working conditions were, what we were going to do and what we were going to get. I do not blame the Pitjantjatjara people for doing that nor for hiring the most competent barristers and solicitors they could.

Perhaps if the Chairman of B.H.P. and the board were to sit down in the middle of the desert and talk to the Pitjanjatjara people, more sense might come out of it than negotiation by exhaustion. These people have something else to do, but they do not operate like that and the Deputy Leader knows that they do not because they employ people who work for them, and there is nothing wrong with that. I am not prepared to support this amendment because I see it as mischievous. I say that what the Deputy Leader and his Party have been saying tonight is mischievous and attempts to mislead, because arbitration has never been allowed to go its full extent. I do not know what these companies have to fear from arbitration. One cannot get them out of the Arbitration Commission in relation to industrial matters: they are always there. When one attempts to negotiate with them outside the Arbitration Commission, their stock answer is, 'Go down to the Arbitration Commission.' When one goes there and gets awards, they appeal and use the full and due processes of the law as they see it in industrial relations.

When it comes to this and every other area of dispute between people who cannot settle their disputes (and one has it in other areas), they go to arbitration. The company had the ultimate sanction, as any other mining company has. Even if the decision by the arbitrator is not to its liking, it does not have to explore: it does not have to turn one sod or lift one stone; it can merely walk away and leave it. Yet in this instance the company chose to walk away and we are being told tonight, as we were yesterday, what the companies will do. All I can say is that the companies are being foolish in not trying something. If companies such as Hematite accepted arbitration and further negotiation they would know what their costs would be. At present they do not know, and they are not prepared to know. I have been in negotiations with employers over a long time and I know what happens when both sides tend to bluff. I think that it is regrettable that we find in this Parliament pressure being applied to a very genuine attempt to settle a dispute where both parties were doing it, and one just walked away.

Mr GUNN: The member for Florey said that we were being mischievous and devious, I thought.

Mr Gregory: Mischievous: I did not mention anything about being devious.

Mr GUNN: That is fortunate, because we have heard already this evening scurrilous attacks by the member for Peake on people's characters and mining companies. The simple facts of the matter are these: whether or not the member for Florey, the Minister and the Government are prepared to accept it, if they want the mining industry to come into this State and carry out the very necessary exploration that is required to ascertain what minerals are available (and we are talking about 18 per cent of South Australia), they must realise that nowhere else in the world would any country set aside 18 per cent of its land and say that one has to have special arrangements to carry out mining operations. We accepted during the Dunstan Government that the Crown owned all minerals. I believe that to be right and that principle should be maintained in this and any other legislation put to the Parliament.

For the Maralinga and Pitjantjatjara people and the other people in this State to get any benefit out of mining, adequate exploration has to take place. The Director-General of Mines and Energy, an impartial officer experienced and highly regarded and others have clearly indicated to the Select Committee that the Pitjantjatjara legislation is not working. The former Director-General made his views clearly known to the committee, and I cannot understand why we are adopting this attitude this evening, because we have been told from time to time by Mr Toyne and other people that the Aborigines want economic independence. The only way that the people in the Maralinga lands will get any economic independence is by mineral exploration.

Unfortunately, if there is to be only limited pastoral activity in that area, I do not believe that the Aborigines themselves have the capacity to do that. There are people in this State who have the capacity to develop a pastoral industry in that area, but not as great as has taken place in the North-West reserves. I spoke to one of the most experienced graziers in this State (and obviously not a friend of the member for Peake) only today about that matter.

What do people in the mining industry have to say in regard to this matter? Comalco has been in the north for a long time. On some of my earlier trips to Marla Bore, I met people from Comalco. What do they have to say? We have heard from the member for Florey about arbitration and negotiation with mining companies. I believe that B.H.P. brought the Select Committee report to the attention of all members yesterday afternoon. Its submission stated:

> This report recommends passage of the MTLRB with but minor variation. If passed by Parliament as so recommended, the Bill will extend and reinforce the terms and conditions of the Pitjantjatjara Land Rights Act, 1980 (PLRA), particularly as they relate to the provisions for compensation and arbitration which, in their only application to the petroleum exploration industry, have been found by B.H.P. Petroleum to be unworkable. As such, passage of the Bill will have an adverse impact on the petroleum exploration industry in the State, an outcome which is not in the best interests of the South Australian community as a whole.

One could go on if one wished, but they gave the general principles to which they objected. Surely every member has read it and can understand it. We have a responsibility to the people of this State to ensure that the legislation is right, and if it takes us all night—

An honourable member: And the next, and the next.

Mr GUNN: Fair enough, so be it. However, we have to ensure that we exercise our democratic rights in this place. I cannot understand why the member for Chaffey and I were denied the right to bring down a minority report. I sat on the Roxby Downs Select Committee, and the Labor Party members (the Minister of Mines and Energy and the Minister for Environment and Planning) were allowed to bring in a minority report. Then there was a Select Committee on Stony Point, and the Government of the day allowed a minority report. We were denied that right. The Minister would not agree: he made that decision and he must accept that we have to debate this matter at length because many people have read the Select Committee report and want to know what the Opposition was doing. They were not aware that we did not move amendments in relation to provisions that we thought were wrong.

The Deputy Leader's amendment contains one of the most fundamental principles applying to this debate. Failure of this amendment will indicate to the major mining organisations in this country that we do not accept what they have to say, that we do not want them to come here and explore for the benefit of people in this State. Everyone knows that these days no Government would allow any mining company to act in a willy-nilly fashion on Aboriginal lands. We all know, as the Deputy Leader of the Opposition pointed out, that every exploration licence has many conditions attached to it. Section 61 of the Mining Act, which is relevant to the provision that the Opposition is attempting to insert in the Bill, provides:

61. (1) The owner of any land upon which mining operations are carried out in pursuance of this Act shall be entitled to receive compensation for any financial loss hardship and inconvenience suffered by him in consequence of mining operations.

(2) In determining the compensation payable under this section, the following matters shall be considered:

(a) any damage caused to the land by the mining operator;

(b) any loss of productivity or profits as a result of te mining; and

(c) any other relevant matters.

(3) The amount of the compensation shall be an amount determined by agreement between the owner and the mining operator, or in default of agreement an amount determined, upon application by an interested party, by the Land and Valuation Court.

(4) The Land and Valuation Court, in determining compensation under this section, shall take into consideration any works that the mining operator has carried out, or undertakes to carry out, to rehabilitate the land.

(5) Upon the hearing of an application for compensation under this section, the Land and Valuation Court may order a mining operator to carry out such works to rehabilitate the land as the Court thinks fit.

Further, under section 62 a holder of a mining tenement may be required to enter into a bond, and under section 60 a company could be required to carry out restoration of land. Section 58 deals with notice of entry as follows:

58. (1) A mining operator must, at lease twenty-one days before first entering upon any land to which this section applies for the purposes of prospecting or mining, serve personally or by post upon the owner of the land written notice, in the prescribed form, of his intention to enter upon the land describing the operations that he proposes to carry out upon the land.

(2) The form in which notice is given under subsection (1) of this section must contain a statement of the owner's rights of objection and compensation under this Act.

(3) The owner may at any time within six months after the service of a notice under subsection (1) of this section, by notice in writing lodged with the warden's court object—

(a) to entry upon his land by the mining operator; or

(b) to the use, or the unconditional use, of his land, or any portion thereof, for the purpose of mining operations.

(4) A copy of a notice of objection under subsection (3) of this section must within seven days after lodgement with the warden's court be served upon the mining operator.

They are some of the protections that the Opposition is attempting to put in the Bill. They will not in any way deny the new owners of this land adequate protection. They are accepted across Australia as applying to every other landholder, and they ought to be accepted in this case. As well as protections contained in the Mining Act there are those that apply under the Mines and Works Inspection Act and those in regard to powers of the Minister for Environment and Planning and others that are taken into account in issuing a licence. I could quote at great length what Mr Johns, Comalco and the Australian Petroleum Exploration Association (and many others) had to say, although I do not want to unduly delay the proceedings of this Committee. I think I have made the position very clear. I am pleased that the member for Mawson is taking an interest in the debate, and that the member for Alexandra is convinced. I hope he can convince other members because, if necessary, I am quite happy to talk until the sun comes up.

The CHAIRMAN: Order! The honourable member has only another three minutes, so he will not be talking until the sun comes up.

Mr GUNN: I have three minutes to talk on the amendment before the Chair and I intend to move my own amendments to this clause. So, under Standing Orders I will have plenty of time to speak to the clause. I simply want the Minister to see reason in regard to this amendment which is very proper and in the interests of all concerned.

The Hon. E.R. GOLDSWORTHY: In regard to the member for Florey's remarks on this clause, it is all very fine and dandy for the member for Florey to do his sums in relation to what it really costs B.H.P. in terms of money that it proposes to outlay on the Pitjantjatjara lands exploration. He suggested that, after having made allowance for tax deductions, the company is really spending about half the amount referred to on the exploration effort. That is all very well, but it is not the member for Florey who must make the decisions and weigh up such matters. They are decisions that the managers of such companies must make. The reality of the situation is that, if the claims that have been made persist, nothing will happen. The analogy that the member put to the Committee was that the companies were only too quick to get into the Arbitration Court when he negotiated with them. However, that has nothing to do with the price of eggs. A union can bring an employer to its knees, and the honourable member knows it. That is why he was in a bargaining position as a union official. He knew he could bring them down.

Mr Gregory interjecting:

The Hon. E.R. GOLDSWORTHY: That has no relevance to what we are talking about here. An exploration manager of a company has to recommend to his board that it either spends money or it does not. If demands are made, such as have been the case, the companies will not spend the money. B.H.P. contacted the Premier today by telex. A press release from B.H.P. was headed, 'Mining Chief urges changes to South Australian land rights Bill'. The latest word from the company (which the honourable member is suggesting should spend its money) states:

Dear Mr Premier,

The recent report of the Select Committee of the House of Assembly on the Maralinga Tjarutja Land Rights Bill recommended that no amendment should be made to the existing mining provisions of the Bill. B.H.P. Minerals Limited, which has a long and successful record of working with Aboriginal groups and communities in many parts of Australia, fully appreciates the commitment of the writers of the report to support a 'strong law' for the Aboriginal people living on the Maralinga lands. Without in any way detracting from that commitment, B.H.P. minerals believes that it is equally important to ensure that the law is a realistic and workable law which takes proper account of all community interests.

Detailed submissions have been made by many exploration and mining companies and industry groups to the committee in an attempt to improve the mining provisions of the Bill.

I have already quoted what the Minister said—that there was a problem but they did not know how to solve it. The submission continues:

B.H.P.M. believes that these can be made without in any way prejudicing the underlying motives or objectives of the legislation. If the proposed legislation is to be made effective in practice, it is crucial that there be a further opportunity for dialogue between the Government and interested parties to ensure that the very real practical problems raised by certain provisions of the Bill are resolved. One of the key areas requiring further review is the elaborate arbitration machinery established under the Bill to resolve issues at the exploration and mining stages.

B.H.P.M. does not question the need for some formal mechanism to resolve issues which arise betwen land owners (whether Aboriginal or otherwise) and mining companies at the exploration stage. However, remembering that there are well-tried and workable mechanisms already established under the Mining Act, the desirability of submitting questions and issues to an arbitrator who has the powers of a Royal Commissioner has not, we believe, been properly examined in the report.

Simply for the report to state that the arbitration provisions of the Bill have not yet been tested in no way resolves the problem of the costs, duration, uncertainty and overall practicality of instituting a Royal Commission (with possible referral of points of law to the Supreme Court) to determine questions between Aboriginal landowners and exploration companies.

In this respect, the report is misleading in paragraph 16 (5) when it states that the arbitration process under the Bill follows the principles in the Mining Act where issues may be taken before the Warden's Court or the Land and Evaluation Court. Even a cursory examination of the two provisions indicates that the whole concept and approach is radically different. B.H.P.M. reiterates that the unwieldly arbitration process under the Bill will hinder rather than help the resolution of the complex issues involved.

If the Bill goes through in its present form, B.H.P.M. believes that it will act as a complete disincentive to any grass roots exploration being undertaken on the lands covered by the legislation. This will benefit neither the traditional owners, exploration and mining interests nor the future economic development of the State of South Australia. B.H.P.M. and other exploration and mining companies would welcome an opportunity to discuss suitable amendments to the arbitration provisions with the Government and other interested parties affected by the Bill. In view of the fact that certain parts of the proposed legislation will not come into effect immediately in any event, it is submitted that the Bill could be deferred until the next session of Parliament and the arbitration provisions amended to ensure that the overall objectives of the Bill are met.

That is what B.H.P. is saying. I could refer also to submissions from Comalco, which is spending some millions of dollars in exploration in South Australia. It has, I understand, an exploration licence which covers some of the land that the Government proposes to incorporate in this legislation, Comalco's position is clearly stated:

Comalco is not opposed to Aborigines being granted title to land by legislation. However, it is opposed to legislation that allows a *de facto* veto to be imposed on exploration by landowners over vast areas. No exploration means no mining, and this must be against the economic interest of all South Australians. Comalco feels that the Pitjantjatjara Land Rights Act and the Maralinga Tjarutja Lands Rights Bill should be amended to distinguish between exploration and mining.

I could also have quoted from the Australian Petroleum Exploration and Development Industry and Aboriginal Land Rights publication dated August 1983, in which the same sentiments are expressed. I could quote from the Chamber of Mines publication of some weeks ago, also expressing the same sentiments. The result will be that nothing will happen as it is too hard to solve, and that would be a tragedy for South Australia.

The attempt to paint the Opposition as being anti-Aboriginal is quite false. We enacted the Pitjantjatjara legislation. We believe that it has not worked out in a couple of areas, first, in relation to access and, secondly, in relation to exploration activity. We are not suggesting that we throw it out of the window. There is no fundamental change in our attitude, nor is there a return to some Victorian attitude, as the Minister suggested in trying to make cheap political capital. When anything is put to the Minister by the Aboriginal communities, he says, 'Right, you can have it.' What sort of approach is that in balancing the legitimate interests of the other people whom he is supposed to look after in his capacity as Minister of Community Welfare? It is a complete abrogation of his responsibility in relation to the development of the resources of this State.

There has been a 30 per cent decline in exploration activity in South Australia over the last 12 months. I will not suggest that that is entirely due to the advent of a Labor Government, although it has not helped exploration efforts, particularly when we hear the views expressed by the member for Peake. Such attitudes do not encourage people with money to spend to come to this State. When they are reviled and abused and 'money-grabbing transnationals' are told that we do not want them to come here, it is not the most inducive climate for them to flock in and spend money on exploration. If this legislation goes through unamended, the exploration efforts in South Australia will dry out at a faster rate than they have at the moment and there will be no one at all on those lands. It would be a complete abrogation of responsibility by the Government in relation to the development of this State to the benefit of all its people.

I will say no more on this clause unless something more outrageous emerges from the Government benches. Our position is quite firm. We wish to get on with developing this State and creating employment. The Government has a reputation for taking a long time to come to grips with reality, as it is doing in this matter. It took a long time with the Roxby Downs issue, and now it is fighting desparately to keep it alive. Again, the decision was taken for the purpose of political expediency. The Labor Party jumps on many band waggons for the sake of political expediency. I have made that observation after being intimately involved. Its attitude is, 'Let us take the short-term decision and to hell with the consequences.' The Labor Party believes it is gathering in a few cheap votes by pushing this measure through and acceding to the requests of a few of the depressed under-privileged minority. If it is to approach the responsibility of Government, it must cast its vision wider than that and, if it is fair dinkum about creating employment in this State, it must balance its priorities against what the Bill seeks to do.

If this amendment is lost, I intend to use all the influence I have in this Parliament or elsewhere to see that common sense prevails in the way the State develops and, after the next election when this Government is tipped out, as Minister of Mines and Energy I will do my damnedest against the opposition and obstructions of the Labor Party, as I did in the Roxby Downs project, for the benefit of all South Australians. That is what I believe this clause is all about.

The Hon. H. ALLISON: I support this amendment. I simply remind members that in the evidence (at page 392) tendered to the Select Committee by Mr Griffith, of Hematite Company, he said that one of the major shortcomings of the Pitjantjatjara Land Rights Act, and certainly this Act if it proceeds in its final form, is that it fails to distinguish between exploration and production. He advised the committee that in the Maralinga area the risks involved were very high and that the chances of commerical discovery were something in the order of 1 per cent or less. He said that the money they were committing, $8 million, would be money down the drain. That is $8 million at considerable risk. He said that we should realise that he could spend $2 million, and that was approximately the amount of forward payment for compensation that was being sought by the Pitjantjatjara people.

For that very same $2 million he had in fact drilled a 50 per cent interest in a well in the Gippsland Basin. He said that there the risks are known and chances of oil discovery are quite high. For that $2 million he could have

drilled a well. If he is not interested in spending money in South Australia, who benefits? It is certainly not the Aboriginal people who the Minister advised us are dependent currently on Federal and State handouts. They are the first people who should be looking at successful exploration and mining. Certainly the State would not benefit, nor would Hematite. So, if no money is being spent in South Australia as a result of a rejection of an amendment such as this, no-one in South Australia comes off any better dressed.

The member for Florey, however self satisfied he could have been by way of his explanation and interjection upon the member for Eyre when he said, 'What about Russia?', I simply remind that the Russians do not take from one group of people to give to the other; they take from both and keep it. Ask the Georgians and the White Russians. Ask the peasant farmers. There are several hundred thousand Communist Party members who lord it over the 2 000 000 peasant people in Russia. It is the Communist Party members who are in control.

Mr Whitten: There's nothing in this Bill about the Communist Party.

The Hon. H. ALLISON: The member for Florey interjected to that effect: if he likes Russia so much let him go there to live.

Mr LEWIS: The first definition contained in this clause is that of 'Aboriginal person'. Would the Minister explain to me what he really meant by 'indigenous inhabitant of Australia', given that the word 'indigenous' to my mind means original? The work of Pretty and others clearly indicates that the current race of people called 'Aborigine' is not the indigenous inhabitants of this continent. They have only been here 10 000 to 12 000 years. The race they replaced were skeletally quite different. Did the Minister mean a person who has ancestors whose birth and presence predate arrival of the Europeans? If he does mean that why did he not use that definition or words to that effect instead of stating a nonsense?

The Hon. G.J. CRAFTER: The definition is used there because that is the most commonly used definition of those words in legislation in other places. With respect to exploration this, of course, is a very important matter, and it occupied a substantial time in the Select Committee. Whilst the Deputy Leader of the Opposition can impute any itentions in this matter to any extent he likes, I can tell the Committee that this is a matter I considered deeply and at great length.

I have friends who work in the mining industry in Australia, including a number of lawyers, and I have taken the opportunity to discuss this matter with them. I have had discussions out of session with representatives of mining companies, and I have grappled with a number of different ways in which this matter could be tackled. I reject the comments made by the Deputy Leader that the Government is trying to win a few cheap votes from under-privileged people in the community.

The former Premier, Mr Tonkin, went to the last election claiming that the Pitjantjatjara legislation was one of the achievements of his Government, and I acknowledge that and accept that it was. Mr Tonkin and his Government, I presume, were not trying to win a few cheap votes from Aborigines; we are not trying to do that, either. This is a duty that we as a Government recognise, and we are trying to carry it out.

The Hon. E.R. Goldsworthy: You don't know the answer. How pathetic can you get!

The Hon. G.J. CRAFTER: If the honourable member is prepared to listen, he might learn something. He and other members who contributed to this debate solely from the point of view of the mining interests—

The Hon. E.R. Goldsworthy: We are in favour of land rights, and you know it.

The Hon. G.J. CRAFTER: The honourable member has certainly not referred to the interests of Aborigines and he has not quoted the evidence in that regard.

The Hon. E.R. Goldsworthy: You are going further than the Pitjantjatjara legislation.

The Hon. G.J. CRAFTER: No. The amendments which the honourable member proposes, and which the Government opposes, are directly opposed to the spirit and the actuality of the Pitjantjatjara legislation.

The Hon. E.R. Goldsworthy: Rubbish! You weren't at the negotiations, so you wouldn't know.

The Hon. G.J. CRAFTER: I have spoken to people who were there. The proof is in the actual wording. Clause 24 (2) of the Bill before us, the wording of which was taken from the Pitjantjatjara legislation, states:

> A payment or consideration to which this section applies must be reasonably proportioned to the disturbance to the lands, the traditional owners, and their ways of life, that has resulted or is likely to result from the grant of the relevant mining tenement.

I would suggest that that is a much broader definition than that which applies in the Mining Act, to which the member for Eyre referred. I also suggest that that provision was inserted in the Act not as some haphazard throw-away measure but deliberately, to take account of the circumstances of the people who were involved in that land grant. That embraces a concept of compensation that is much broader than that envisaged in the Mining Act, and it takes account of physical and non-physical harm that is caused as a result of exploration. It has been stated a number of times that exploration on Aboriginal lands (and I suppose this is akin in some ways to exploration work in a national park) can cause much greater damage than actual mining operations.

The Opposition's attitude is that the solution would be to bring down a blanket prohibition on the payment of any monetary compensation at the exploration stage. I suggest that that is contrary to the original intentions of the Pitjantjatjara legislation, and indeed it misunderstands what is being attempted in this case. The majority view, the Government's view, on the Select Committee was to opt and to persevere with arbitration, because I believe that in the long term that is the only way in which we can deal with this matter. It was suggested by, for example, Dr Branch, from the Department of Mines and Energy, that we should explore a percentage compensation, 0.5 per cent or 1 per cent, but that could be most unfair to mining companies in certain circumstances. It could also be unfair to the traditional owners. One just cannot bring down a blanket rule like that which will be fair and which will meet all situations, because each exploration programme is vastly different. As has been stated, the risk varies from project to project as well. Of course, the Government does not want to bring down legislation that will, as a general rule or an across-the-board rule, have those harmful effects.

The Mining Act provides for an arbitration process, which is obviously very effective. It is a tragedy that the arbitration process has not been made to work. I suggest that the arbitration process would not bring down the heavy degrees of financial compensation that has been suggested or is feared. After precedents and rules have been established, very few cases would be referred to arbitration.

The negotiation process in the Hematite case worked very well on all aspects, except in relation to financial compensation. That shows that the negotiation process can work, and work well. The matter of monetary compensation must be resolved in each of the circumstances that arise. To bring down a percentage levy is inappropriate and unfair. To prohibit absolutely any payment for special disturbances that occur on Aboriginal lands is also unfair, and arbitration

is the process that the Government has opted for. I suggest that honourable members take into account all the comments that have been made about seeking a solution to this problem outside the jurisdiction of this Parliament. The Federal Taxation Act is one area that could be looked at, and whether payments cannot be made to traditional owners in these circumstances during the exploration stage by an adjustment of the taxation incentives for exploration.

South Australia is being asked to legislate for the whole of Australia, as the Deputy Leader of the Opposition has said. Every mining company in Australia is watching what we do. If we bring down a rule which prohibits money payments at the exploration stage, that precedent will flow on to the rest of Australia. That is not in the interests of good government or in the interests of the Aboriginal communities who are dependent upon the Government. The Maralinga people are a classic example of where there is no possibility of them obtaining financial gain from pastoral or agricultural use of their lands. Instead, they will have to seek economic gains from mineral exploration and mining of their lands. There have been good relations between the Aboriginal those people and the mining companies in the past, and I would expect that situation to continue.

The legislation provides for the existing mining tenements on those lands to continue unabated, and some of them run for up to 13 years. Therefore, we are looking some time into the future. I hope that the mining industry, Government and Aboriginal groups attempt to resolve this problem. When I first became Minister I was concerned about the Hematite situation which involved expenditure of $30 million. We seem to be arguing about a very small amount of money indeed.

The Hon. E.R. Goldsworthy interjecting:

The Hon. G.J. CRAFTER: That is a gross misrepresentation of what an objective arbitrator is likely to award in the circumstances. I have spoken to the Minister of Mines and Energy and he has spoken to the company and others. The Minister's officers are involved in trying to bring about some resolution of this matter. I hope that, through the arbitration process, we can resolve this issue in the interests of all parties. I would like to think that exploration work in this country can be assisted financially through national Government initiatives in this area.

There are many of them that exist now to give financial incentives to exploration companies. Money compensation of this nature could be built in to those incentives. I acknowledge that this is a most important matter, but I reject utterly that we have glossed over this matter. It certainly caused me great concern. I have given it very serious consideration as have, I suggest, other members of the Select Committee.

The Hon. E.R. GOLDSWORTHY: The Minister, likewise, is in dreamland. The burden of his argument is that we have plenty of time to fix it. I refer the Minister to an interesting article in this weeks *Bulletin* which describes the development of the Palm Valley gas and Mereenie oil fields, in the Northern Territory. It has taken just 22 years since that major discovery, because of the problems with succeeding Governments (we have the complication of a Federal Government with its sticky fingers in that scene), to get that oil flowing the moderate distance to Alice Springs. The fact is that the companies have made it quite clear, despite the Minister's fervent hope that they would go to arbitration and resolve any problems through the arbitration process, that they will not go to arbitration.

If the Minister thinks that taxpayers' funds can be used via the tax system to help the Aborigines, I advise him to get hold of the taxpayers' funds and simply give it to them. If the Minister believes that the community ought to pick up the tab for the exploration effort on Aboriginal land—he should give them money. I heard the Minister suggest on television that they were underprivileged, that this was their only hope, that all they had to bargain with was their land. That was the Minister's point. If that is his attitude, and if the Government is going to have to pay, why not just give them a handout?

If he thinks that more money will solve the problem, why give them a bit of land to bargain with? Why not give them more money if that will solve the problem? The reality of the situation is that the companies will not go to arbitration. No company will. The companies see this as a watershed—I agree with that. Certainly, no company will go near that ground if this legislation passes in its present form. The remedy is simple. I do not believe that the provisions of the Mining Act are unjust in relation to exploration. The member for Eyre read them to the Committee.

I believe that there are firm and strong safeguards in relation to rehabilitation and compensation under the Mining Act. I do not know whether the Minister is familiar with the Mining Act, but its provisions have been recited to him today. The compensation and entry provisions in the Mining Act contain adequate safeguards. The other point I want to make is that the provisions apply everywhere in South Australia, even to freeholders who may have small holdings where the disturbance is likely to be far more pronounced. The member for Florey talked about the long seismic lines, but we are talking about enormously vast tracts of country. One can go for hundreds of miles and not see a living soul. That is what we are talking about.

The Hon. G.J. Crafter: That means less compensation.

The Hon. E.R. GOLDSWORTHY: That may be so. We have been through that argument. When it comes to the bottom line, the companies will not be in it. The Minister suggests that we have time, but I was the Minister for about 18 months when a similar matter went on interminably. We went right into the fine detail and at the end there was an argument about money, about the filthy lucre. That is what it was all about. If the Minister thinks the answer is to give Aboriginal people money and if it is to the benefit of taxpayers, give them money. Why go through the business of mucking about with the tax system? All you are doing is taking it from one pocket and putting it into another. I am persisting with the viewpoint that we have to get on and pass this amendment.

Mr LEWIS: Notwithstanding the gravity with which I regard the remarks made by the member for Kavel (my Deputy Leader), I still want the Minister to consider the question I asked him earlier about the definition of 'Aborginal person'. He replied to that question by saying that it was the usual definition in the legislation. Will he cite that legislation to me? I have not seen that in any great quantity of legislation, and I ask him also to answer the other question I put to him: does he really mean a person who has ancestors whose birth and presence predate the arrival of Europeans?

The Hon. H. Allison interjecting:

Mr LEWIS: Indeed, 'Aboriginal' means 'from the beginning' or 'indigenous'.

The Hon. H. Allison: 'Aboriginal' is earlier than indigenous.

Mr LEWIS: I want to know whether he will stick to this—

Members interjecting:

The CHAIRMAN: Order!

Mr LEWIS: We have a priceless member for Price. I am anxious about this question, and I want the Committee to consider it seriously because I honestly believe that this loose definition leaves the people in subsequent times who may claim to be Aboriginal persons those persons who are not and, indeed, who do not have any ancestor whose presence in this country pre-dated the arrival of Europeans

of any kind. We know already that we have some white blacks and some blokes who are initiates but who do not have one gene in their entire make-up genetically that came from any individual human being pre-dating European settlement in this country.

In due course, I can see where it might conceivably arise that an Aboriginal person would not need to be someone who had any ancestors here prior to European arrival, and I fear that white man's law (and that is what this is) will be capable of misinterpretation and abuse simply because we have been slack, sloppy and lazy in our definition of who we really mean should be the beneficiaries under this and similar laws. I raised this matter during the Committee stages in the debate on the Pitjantjatjara Land Rights Bill, and members who were here will recall that. I am still not satisfied that this kind of definition is adequate, and I wonder how the Minister can justify that.

Maybe it will help him understand if I ask him to say, in the course of answering my other questions, how long someone's ancestory needs to go back in occupancy or life in this country or on this continent. As I pointed out, archaeologists have uncovered ample evidence which illustrates that the current race of people who made up the tribes that were here at the time of European settlement are not the original inhabitants of this continent. They have been here only 10 000 years. Europeans have been here a bit over 200 years—maybe 300 years since the first one arrived. We do not know whether any of those Dutch sailors left any illegitimate children on the west coast of Australia, but our guess is that they did not, or, if they did, that they were murdered. There does not seem to be much evidence of it, but we cannot be sure they did not.

I would like to know why we persist with a sloppy definition that is capable of sloppy interpretation by any future member of the bench of the Supreme Court or the High Court—and I do not reflect on any future judgments by making that remark made by any existing judges. I merely put the view that this definition is capable of a different interpretation from the one that I think we mean. I want the Minister to tell me if I am mistaken in my belief that we are referring to those people; namely, those who have ancestors whose birth and presence pre-date the arrival of Europeans on this continent.

The Hon. G.J. CRAFTER: I cannot admit that I understood all of what the honourable member was asking, but he seemed to be casting some aspersions on those who advise the Government of the day on the legislation and how it is worded.

Mr Lewis: Garbage! I am just asking what classes of persons are covered.

The Hon. G.J. CRAFTER: The honourable member referred to 'sloppy wording' and the like.

Mr Lewis: Don't reflect on anybody else. It is your field.

The Hon. G.J. CRAFTER: I am suggesting that the honourable member may be reflecting on others.

Mr Lewis: I am reflecting on you.

The Hon. G.J. CRAFTER: I am telling the honourable member how any Government arrives at the decisions that it does with respect to the formulation of words in legislation. If he wants to know where he will find that definition in another piece of legislation, and if he wants someone to do his research for him, he may look at the Commonwealth Parliament's Racial Discrimination Act. If he would like to refer to his colleague the member for Mount Gambier, who I understood is a Latin scholar, he may be told what the Latin derivation of the word 'Aboriginal' is and why that word is used in that context, and so on. If he refers to various studies of Aborigines in this country, done by anthropologists over the years, he will find the answers to the questions that he is seeking from me.

Mr LEWIS: If the Minister wants to be insulting, so can I. I asked him quite simply whether he meant that the people to whom we are referring—

The Hon. G.J. Crafter: To whom was the honourable member referring when he said that it was sloppily drafted?

Mr LEWIS: The Minister is supposed to be responsible for this legislation. I was taken to task not so long ago by the Chairman for referring to people other than members of this place who have a part in making up legislation.

The CHAIRMAN: Order! The honourable member will be taken to task again in a moment.

Mr LEWIS: Under what Standing Order?

The CHAIRMAN: The honourable member will come back to the clause with which we are dealing, which is clause 4. I ask the honourable member to stop reflecting on the Chair and to get back to—

Members interjecting:

The CHAIRMAN: Order! The honourable member is dealing with clause 4 and its definition of 'Aboriginal persons', which the Chair has allowed him to canvass.

Mr LEWIS: I want to know from the Minister whether he really means, when this Act uses the term 'Aboriginal person', that it refers to somebody who has ancestors whose birth and presence pre-date the arrival of Europeans on this continent and, if not why not? If so, why could he not be courteous enough to say it earlier instead of being so pigheaded?

The CHAIRMAN: Order! The Chair has pointed out to the honourable member on numerous occasions that it cannot direct or command a Minister to reply to a question. The honourable member will stick to the clause before the Committee.

Mr LEWIS: Thank you, Sir, I have neither sought nor required you to direct the Minister to do anything. Nonetheless, I ask that the Minister's behaviour in the fashion that I have suggested in relation to the requests I have made of him be noted. I wonder why the Minister finds it impossible to comment on the interpretation that I make of that definition. I really want to know why my understanding of that term is not acceptable as an explanation. The Minister's making no attempt to amend it indicates to me that some clandestine motive must be involved in using the form of wording as it stands, with an insistence that the words do not mean what I have described them to mean (but they could mean anything else). That clandestine motive may ultimately mean that the real intention of this Bill is subverted in due course by smart alec tricksters who do not have authentic lineage or genealogy anywhere in their ancestry but who have become initiates in the tribes, whether real or fictitious, as a matter of convenience for some time in the future.

I know, and other honourable members know (especially the member for Eyre and other members who served on the Select Committee), that there are members of tribes who are initiates but who do not have any genes in their bodies at all coming from people who lived on this continent before Europeans arrived. I find it galling indeed in prospect that the Minister can allow such a loose definition to go ahead without during the Committee stages qualifying it in a fashion that all of us believe should occur. We all believe that it should apply to people whose ancestors did pre-date European occupancy of this continent. If the Minister cannot accept my understanding of this as I have outlined, what is his reason for that?

The Committee divided on the amendment:

Ayes (22)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Amendment thus negatived.

The CHAIRMAN: Does the Deputy Leader intend to move his consequential amendments?

The Hon. E.R. GOLDSWORTHY: Yes. I move:

Page 2, lines 27 to 31—Leave out the definitions of 'mining operations' and 'mining tenement' and insert new definitions as follows:

'mining operations' means operations in relation to which—

(a) a mining lease is required by or under Part VI of the Mining Act, 1971; or

(b) a petroleum production licence is required by or under Part II of the Petroleum Act, 1940:

'mining tenement' means—

(a) a mining lease under Part VI of the Mining Act, 1971; or

(b) a petroleum production licence under Part II of the Petroleum Act, 1940:

These further amendments reinforce the points made earlier relating to the necessity for singling out mining operations from exploration operations. I do not wish to canvass all those arguments again, but simply put to the Committee that, unless the Government is prepared to come to grips with amendments similar to the ones just moved, this problem will not be solved and the Minister's wishful thinking about the tax laws and all the rest of it—

An honourable member: I hope you're wrong.

The Hon. E.R. Goldsworthy: We have been at this for 2½ years, yet the Government's solution is to let the matter drift and hope that something will turn up. The Government says that Canegrass Swamp is a complex problem. The longer it goes, the more complex it becomes. They say that this is a complex problem, although I do not know that it is. I think the company believes it is perfectly clear. Unless something is done as envisaged in these amendments, the problem will not be solved.

The Hon. G.J. CRAFTER: The amendment is consequential upon earlier amendments. For the same reasons advanced by the Deputy Leader, I do not wish to regurgitate all arguments from the Government benches as to the reasons why we oppose these amendments.

The Committee divided on the amendment:

Ayes (22)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Amendment thus negatived.

The Hon. H. ALLISON: I move:

Page 2, line 37—Insert new definition as follows:

'the Trust' means the Aboriginal Lands Trust constituted under the Aboriginal Lands Trust Act, 1966.

This is the first of several amendments standing in my name, quite a number of which are consequential. Although this amendment introduces the definition of the Aboriginal Lands Trust, it is not the main amendment on this subject. I will speak at length on it and, if it lapses, I will either withdraw the rest or speak briefly to one or two. This is really a test amendment. In seeking to introduce this definition of 'the Trust', I say that the Liberal Party is being extremely consistent.

The Minister did, in fact, earlier this evening say that there was a degree of inconsistency and that we had changed our minds on Aboriginal land rights. That is absolutely untrue. I am quite sure that the Minister would be well aware of that. When the Pitjantjatjara land rights were granted during the term of office of the former Liberal Government, the then Premier (David Tonkin) explained quite clearly that that particular Bill would be the one and only and that any future land rights, either substantial or minor, would be granted in a different form.

The Aboriginal Lands Trust was the organisation upon which he intended to confer the future Maralinga land rights. I also point out that in taking that attitude the Liberal Party was supportive of Don Dunstan's approach in December 1965 when, during the second reading explanation in introducing the Aboriginal Lands Trust Bill, he said:

It takes a significant step in the treatment of Aboriginal people not only in this State but in Australia.

He further said:

The Government therefore proposes to ensure land rights to Aborigines in this State, but to go further.

He subsequently said:

The Minister may grant or lend money to the trust from moneys provided by Parliament for Aboriginal welfare in South Australia, and the trust is to hold all moneys received by it for development of trust lands or the acquisition of further lands or for assistance to Aborigines in relation to trust lands.

He also said, more in hope than anticipation, I believe:

Some additional lands are necessary for Aborigines in South Australia, and it is hoped that in due course these may be provided to the trust.

It was 15 years later, in 1979, when the Labor Party lost Government that the Pitjantjatjara land rights legislation had still not been passed.

I mention that because I received (as would I think every member of the House and probably all the press in South Australia) a letter from the National Aboriginal Conference headed as a statement by the Chairman of the Aboriginal Lands Trust of South Australia and Chairman of the South Australian Branch of the National Aboriginal Conference, namely, Mr Garnet Wilson, re the Maralinga Tjarutja Land Rights Bill. This statement was certainly not written by Mr Wilson. I know how he writes and speaks, and while I have tremendous respect for Garnet Wilson—he is a fine gentleman—I nevertheless think that the horse was nobbled.

This statement represents a complete *volte face*, an about turn, from the point of view expressed not only by Garnet Wilson, when he was Chairman of the Aboriginal Lands Trust under my Ministry and that of the member for Chaffey, both of us as Minister of Aboriginal Affairs, but all the members of the Aboriginal Lands Trust at one or more of the meetings that I attended at the headquarters in North Adelaide. They asked that the Maralinga lands be vested in the Aboriginal Lands Trust. One of the points of view expressed was that the Pitjantjatjara people were land hungry and that this land would be better vested in the Aboriginal Lands Trust so that it could be protected for the Aborigines of South Australia. I have no doubt that there were other reasons which we discussed, but this was certainly one of the points of view put to me as Minister of Aboriginal Affairs.

The Chairman was approached not only me but by the Premier and the Deputy Premier on this very issue, asking for the Maralinga lands to be vested in the Aboriginal Lands Trust in conformance with the principles expressed by Don Dunstan when he introduced the Aboriginal Lands Trust Bill, with Liberal Party policy, and also with the statements

made by former Premier Tonkin when the Pitjantjatjara lands were vested in that group.

As I said, this is a complete about turn, and it contains inaccurate and deceitful statements. I do not mind the statement, because I actually predicted that this would happen. I knew that these people had been got at, as had other Aborigines who were outspoken and who expressed commonsense points of view. They were subjected to peer group pressure and Garnet Wilson has succumbed, as have others. I have not seen anything of Mr Warren, who was the sole spokesman, the sole holder of law, for the Canegrass Swamp area, since he signed an affidavit and disappeared from the face of the earth. It is happening to all of them: they have been got at.

This amendment is consistent in that it expresses a long stated, long held Liberal and Labor Party point of view. I make no apologies for the fact that once again we seek to introduce this definition into the Bill on the understanding that subsequently under clause 15 we will move a more important amendment to vest the Maralinga land in the Aboriginal Lands Trust. I will speak further to this clause, but probably quite briefly to the subsequent clause, more important though it might be.

When Mr Wilson stated that he was disappointed in the Minister of Aboriginal Affairs (Mr Allison) during his tenure, he seemed to have forgotten that my Party gave the Pitjantjatjara lands to the Pitjantjatjara people after 15 years of procrastination under the Dunstan, Corcoran and Walsh Governments. We were the ones who achieved land rights. Mr Wilson also forgets that he was one of the parties negotiating with the Yalata people and, with the member for Chaffey, to the point where a Bill was ready to be presented when we lost government. That Bill, simultaneously with an amendment to the Aboriginal Lands Trust Bill, would have been introduced into this House. In fact, that would have happened long before the present Bill was introduced: the Government has been rather tardy in presenting this Bill, which is still ineffective.

In fact, we took very positive steps, and if Mr Wilson is expressing some sadness at the fact that I failed to fulfil promises to grant the Trust title to land at Davenport Creek, he forgets that there was some considerable dissent from the local council which prevented that land being granted. There was also dissent between the council and the Lutheran Church, which prevented the granting of that land. Nantawarra was delayed, Bartsch Farm was delayed, Balcanoona was delayed, but Anna Creek was vested in the Aboriginal Lands Trust. Mr Wilson seems to have a short and inaccurate memory.

If Mr Wilson is complaining that during the term of office of the Liberal Government, when I was Minister of Aboriginal Affairs, we gave away only 10 per cent of the State, 8 per cent in relation to a Bill which was agreed and which the member for Chaffey certainly worked extremely hard on, he must have been expressing quite a few of these points of view tongue in cheek. As I said previously, Mr Wilson did not write these words, they were written for him, whether by a member of the Minister's staff or by the councils, I do not know.

It does not sound like Mr Wilson's language or train of thought, nor does the press release which was issued. The Dunstan intentions are clearly expressed in the Aboriginal Lands Trust Bill second reading explanation, and in subsequent comments that he made in the course of the debate. Sir Thomas Playford made comments at page 4376 on 2 March 1966 which I will read at a more relevant part of this debate when the question of access comes up.

The Hon. G.J. CRAFTER: The Government opposes the vesting of these lands in an intermediary body in the form of the Aboriginal Lands Trust. I am not privy to the negotiations carried out by the previous Government and the Maralinga people. However, I have read correspondence from the Aboriginal Lands Trust dated early 1979 in which the Trust told the Maralinga people that, if the land was vested in the Aboriginal Lands Trust at some future time, the title of that land would upon request be transferred to the original owners.

When I became Minister of Aboriginal Affairs I asked the people of Ooldea how they wanted to receive the ownership of that land. I insisted that an officer from the Aboriginal Lands Trust accompany me to that meeting, and that they would be present at all discussions. I am satisfied that there were very thorough discussions on the various ways of vesting the land in the traditional owners. In the time between the periods to which the member for Mount Gambier referred, there was the vesting of the former North-West Reserve and other lands in the Pitjantjatjara people. That obviously influenced the southern Pitjantjatjara people at Yalata in that they were very clear and unambiguous in their request to me that they also receive a title to the land similar to that which the northern Pitjantjatjara received.

I honoured that request in the form of the legislation before us. They saw that as being a strong law, and they did not want another group of Aborigines who were not traditional owners to hold title to that land. I could see no reason why that should not be so. Mr Wilson, the Chairman of the Aboriginal Lands Trust, was at that meeting. He said that he had participated in the discussions, that he respected the views of the traditional owners, and that he would provide any support to the community that could be offered by the Aboriginal Lands Trust. Tonight I have seen a copy of the communique that he put out, and I would have thought that in that he is honouring the statement that he made that day at Ooldea.

My comments earlier about land rights and whether the vesting of land in people other than the traditional owners amounts to land rights I believe is a valid one. If we are to hold title to lands, and a clear case can be made out for lands like the Maralinga lands where there are clearly identifiable traditional owners, and we then proceed with what I consider to be a paternal structure for holding title to that land, I believe that we may also be open to criticism on those grounds. To vest the lands in this way would be a more conservative approach than that provided by the National Party Government in Queensland where there is a deed of trust arrangement which goes almost all the way to vesting a title in the traditional owners but does not go that final step. So, it is for those reasons that the Government opposes the amendment.

I might add a further concern that has been put to me by Aboriginal communities right across this State. There is a fear that the Government may well proclaim the Mining Act over lands held by the Aboriginal Lands Trust which would, under the provisions of the Trust, effectively deny any Aboriginal involvement in, say, mining on those lands. That is a real fear held by Aboriginal communities across the State. It is a further factor in the requests that have been made to the Government.

The Hon. H. ALLISON: I must make a brief response and remind the Minister that there would seem to be a thread of inconsistency in his argument. If he is sincere in his wish to hand over land to traditional people, I believe that he is once again completely ignoring a comment that I pointed out to him that was made by the group brought along by Pastor Brown. The group represented a number of different tribes in the Maralinga and adjacent areas. Pastor Brown said:

> Traditionally, there are no Pitjantjatjara people living in that area at all.

I commented then that that area was the contentious area between 132 degrees and 133 degrees longitude, the subject of the additional land grant, and a very substantial land grant it is indeed. He continued:

> These are Kokatha people and Margijungitjara people Maralinga to Coober Pedy and that area. Mr Darby Gilbert, who is with us today, is the last of the Margijungitjara elders. He should be consulted.

He goes on:

> Many times Pitjantjatjara people are referred to, whereas they are not Pitjantjatjara people: it is only a language. That is a very sore point with the elders at present.

If the Minister is so anxious to ensure that traditional owners are given the land, why is he making a great effort to rush the Bill through and hand over to the Yalata people, when he has received substantial evidence, which he chose to discard, ignore and understate in the report to the extent that he gave it only one paragraph, a paragraph in which he did not even acknowledge that it was a group of Aboriginal people who had attended?

Why did the Minister ignore the representation that was made by Pastor Brown and the tribal elders who are well versed in the law? I question the Minister's sincerity. It is all very well to be glib and plausible in discounting my argument, but if he is going to take his own logic to its logical conclusion, he will listen to the evidence presented before the Select Committee, evidence that would have been noted fully and effectively had we been given the right to bring in a minority report and had we not instead been stifled and gagged.

The Hon. G.J. CRAFTER: I should clarify one point, namely, that on the Pitjantjatjara lands there are numerous tribal groupings or subgroupings that form the incorporated body, and similarly on the Maralinga lands. If the honourable member for Mount Gambier recollects the evidence given to the Select Committee by Mr Gaden who was responsible for taking people off the Maralinga Lands to Yalata, he referred to the tribal groupings. The groupings have associations with the desolate parts of the lands. I think that that explains the concerns that the honourable member has expressed to the Committee.

The Committee divided on the amendment:

Ayes (22)—Mrs Adamson, Messrs Allison (teller), P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 5 passed.

Clause 6—'Powers and functions of Maralinga Tjarutja.'

The Hon. H. ALLISON: I move:

Page 3,

Line 18—Leave out 'vested in Maralinga Tjarutja' and insert 'leased to Maralinga Tjarutja by virtue of the provisions of this Act'.

Line 22—Leave out 'lease' and insert 'sublease'.

Lines 23 and 24—Leave out '(being a part of the lands vested in Maralinga Tjarutja)'.

Line 27—Leave out 'lease' and insert 'sublease'.

Lines 28 and 29—Leave out '(being a part of the lands vested in Maralinga Tjarutja)'.

Line 31—Leave out 'lease' and insert 'sublease'.

Lines 32 and 33—Leave out '(being a part of the lands vested in Maralinga Tjarutja)'.

These amendments are all consequential on the introduction of the term 'Trust', which was rejected in the previous division. I simply comment that the amendments in clause 6 certainly would not have harmed the Maralinga folk at all; they would not have reduced their rights. Those people will probably find that an inalienable title is of less value to them than would have been vestment in the Aboriginal Lands Trust, because the Lands Trust would have had the right to dispose of the land whereas an inalienable title restricts the disposition of any of that land. The clause as amended would have fully protected the rights of the Yalata people. However, the previous amendment failed. I do not propose to labour the point. I am dealing only with clause 6 now. There is a completely different argument for clause 14, where the amendments are not consequential. Had my amendments to clause 4 been accepted, clause 6 would not have been adversely affected. The rights are fully protected.

Amendments negatived.

Mr LEWIS: In regard to clause 6 (1) *(a)*, does the Minister believe that the process of ascertaining the wishes and opinions of traditional owners will be democratic, or is there some other mechanism involved?

The Hon. G.J. CRAFTER: I would suggest to the honourable member that in my experience the methods for deciding on matters within Aboriginal communities are far more effective than are methods known to Europeans in this country. I think that was expressed earlier by the Deputy Leader of the Opposition. I have every confidence in the ability of the Maralinga Tjarutja to arrive at decisions in their best interest. Indeed there is provision in the legislation for a process of appointments of tribal assessors where disputes arise.

Mr LEWIS: That reply ignored my question altogether. I asked the Minister (who gave me a lecture earlier on my ignorance of traditional Aboriginal behaviour and culture) how in the circumstances that clause will operate. I do not mind whether the mechanism used is more effective or less effective than that used by Europeans, although I believe it is more effective. I merely wish to determine how the Minister believes it will operate. What mechanisms will there be by which the Maralinga Tjarutja will make those decisions, and ascertain the wishes and opinions of the traditional owners in relation to management, use and control of the lands.

The Hon. G.J. CRAFTER: I suggest that the honourable member take as an example the way in which corporate bodies under the Pitjantjatjara legislation facilitate this very process. They have an elaborate system of meetings and consultation, as the member for Eyre would know. I think one can only be impressed by the ability of people to travel long distances to meetings and to sit down for quite long periods of time in small or large groups and make decisions in the interests of the communities. I think that is an example that obviously will be given consideration in respect of this legislation.

The Hon. H. ALLISON: Once again I have to remind the Minister that his glib statements do not line up with the evidence given during the hearings of the Select Committee. Again I refer to Pastor Brown and his group of tribal elders who represented a number of tribes. Pastor Brown stated in evidence:

> Originally, the Jungakatjara were promised title to their own lands, but now they find they do not have that (that has been under the name of the Pitjantjatjara people). They feel strongly about the fact that some of them who invite their friends into the lands can be prosecuted, or be part of a crime that may be committed. The tribal elders are seriously affronted, because they are not consulted on land rights and, in particular, sacred sites.
>
> The elders are disgusted that the Government seems to accept the views of people claiming to have authority to represent tribal groups, without making any attempts to consult the right authority figures, for example, the elders . . . elders do not necessarily mean anyone who is an initiated person, but a person who has been involved in law, and has travelled with the law, and not necessarily

someone who has gone through the first and second stages of initiation.

How is the Minister going to ensure that the point of view of people such as those who came to the Select Committee conscientiously believing that that was the appropriate body with which to lodge complaints is listened to? I find it very hard to imagine that he is going to do anything because, during the evidence that was given by that group, the Minister gave a triple assurance that he was not trying to discredit anyone. However, that obviously was due to a guilt feeling because no-one suggested that the Minister was trying to discredit anyone. In discrediting people he gave at least two of us on that Select Committee the impression that he was not really worried about what that small group thought and that he was more interested in what the rest of the Aborigines felt.

Mr LEWIS: The Minister does not bother to rise and respond to the previous speaker; nor does he attempt to explain the procedures that would have been involved in ascertaining the wishes of the traditional owners in relation to the management, use and control of the lands. The Minister sits there like an imperious, arrogant, glib, toad.

The CHAIRMAN: Order! The honourable member would know perfectly well that that remark is unparliamentary and I ask him to withdraw it.

Mr LEWIS: It may be unparliamentary in ways that I do not understand. Under which Standing Order this is covered I am not sure, but for the sake of the peace of the Committee, I will withdraw my remark.

The CHAIRMAN: The honourable member will withdraw his remark without making a speech about it. I ask the honourable member to withdraw his remark.

Mr LEWIS: I have, Mr Chairman. I ask, then, that the Minister take a more serious interest in the genuine questions that I and others have raised with him rather than his just sitting there gazing imperiously across the top of his desk at us and ignoring our inquiries. On occasions when he does speak, the Minister insults my awareness of the way in which the Aboriginal tribal decision making procedures operate and, earlier, about the nature and strength of feeling that exists in relation to origin and affinity. I do not think, frankly, that this Bill in its present form is capable of doing what clause 6 (1) (a) says that it can do, because all the people who have traditionally lived in those lands will not be included in the definition of those in whom responsibility is vested.

I cannot understand how, in the name of peace, good fortune or anything else that we are trying to engender with this measure, the Minister seriously believes that it will work without giving offence to those people. It has never happened before in the way in which this Bill sets it out. Bearing in mind the way in which the Bill is written, it is a pretty simplistic, legalistic interpretation for the benefit of the quick political buck in terms of votes. It seems to me that the Minister does not understand what will be involved or that a large number of the traditional owners are shut out by this measure.

Clause passed.

Clauses 7 to 13 passed.

Clause 14—'The approved constitution.'

The Hon. H. ALLISON: I move:

Page 6, line 13—After "Adelaide" insert ", and the address of an office at Yalata,".

We believe it is appropriate to have two addresses in South Australia rather than for people to have to contact either Adelaide or Alice Springs for various pieces of information and permission to gain access.

The Hon. G.J. CRAFTER: I agree that it is desirable to have two offices, but I suggest that the honourable member's amendment does not satisfy the appropriate requirements in this regard. Some members are critical, as is the honourable member, of the Pitjantjatjara administration, which has an office located on the lands. We have heard evidence on that matter. I would hope that, in time, the Maralinga administration could have an office on the land or close to it, but, as an intermediary exercise, Yalata or Ceduna would be the appropriate place for such office. To provide that in the legislation would be inappropriate at the present time and would restrict the flexibility of the incorporated body to place the office in the most desirable situation. I think that that would be on the lands as soon as it can be organised.

Amendment negatived; clause passed.

Clause 15—'The Governor may grant certain land, in fee simple, to Maralinga Tjarutja.'

The Hon. H. ALLISON: It was the Opposition's intention to oppose clause 15 and insert a new clause. It is consequential upon the amendment that was rejected, namely, to clause 4, where we sought to insert a new definition of 'the trust'. Therefore, it is pointless pursuing these amendments. We will express our opposition to clause 15 but will not make any attempt to introduce a new clause 15.

Clause passed.

Clauses 16 to 18 passed.

Clause 19—'Unauthorised entry upon the lands.'

Mr GUNN: I move:

Page 7, after line 32—Insert new subclause as follows:
(5a) Maralinga Tjarutja shall not unreasonably or capriciously refuse permission to enter the lands.

The purpose of the amendment is quite clear. There are a number of cases where people have been, in my view, unreasonably prevented from entering the lands. That should not take place. The Opposition regards this as important. Ample evidence was given to justify the course of action it has taken. The Government is obviously aware of our concern and our attitude to the whole measure. If Government members were reasonable people they would accept what we are putting forward. I do not intend to pursue the matter any further. But, if this amendment is defeated it is just one more step down the line to see the Bill itself defeated. The attitude of the Government will determine the fate of the Bill. The Government will have it on its head in denying the people the opportunity to have the land vested in them.

The Hon. G.J. CRAFTER: The Government opposes this amendment. I disagree that there was ample evidence to show that the experience with the Pitjantjatjara legislation required such harsh action as this provides. I believe that the traditional owners respect the rights that they had vested in them. They have asked for a strong law to cover their lands and they see the provisions under this section of the Pitjantjatjara legislation as quite fundamental to them.

We certainly spent considerable time looking at the evidence, which showed that a very small number, some 2 per cent of applications to traverse those lands, was rejected. I believe that there has been some misunderstanding and some administrative problems with respect to the permit processing in the early stages of that legislation.

I suggest to the Committee that there will be very much less traffic across the Maralinga lands and that also, in geographic terms, there will be a less difficult process to gain permits because here the applications are transmitted to Alice Springs and then to the respective local communities who have meetings and so on. I expect that process to be much simpler with respect to the Maralinga lands. Indeed, the amendments suggested by the Select Committee do

encompass some of these changes—for example, the ability to get group permits and the like.

So, I think that to bring in a restriction like this and to have decisions made by courts would be an undesirable procedure. An owner of land does have rights at law on trespass and the like; owners of Aboriginal lands also have their rights. I believe that they are exercising those rights responsibly.

The Hon. E.R. GOLDSWORTHY: I cannot agree with the Minister. I have had discussions with the member for Eyre which put rather a different complexion on the matter than the 2 per cent, the bold figure that the Minister quotes in terms of the large number of public servants and others who have entered the land by right. I point out that one of my constituents, Tom Hoffman, came to me. He wished to traverse these lands. So, wrote to the Minister's department and asked what he had to do. The Minister said that he had to contact the appropriate Aboriginal groups, which he did. He approached the Pitjantjatjara in Alice Springs, another group whose name escapes me, and the Western Australian Government. Each group it seemed was trying to find out what the other was doing.

He showed me the correspondence he received. In the end result they wanted to know whether he was going to take any photographs and for what purpose. He said that he was going to take a camera as a record of the trip and for no other purpose. Back came the bald reply, 'Your application to enter the lands is refused.' Full stop!

Mr Becker: How long did it take?

The Hon. E.R. GOLDSWORTHY: It took a while. He came to my office in dismay, and I was dismayed. I believe that his case was taken up by the member for Eyre. Wiser counsels have prevailed. That case indicated to me that the person was one of the unfortunate 2 per cent. He was not a public servant or a person who had a right to enter the land, but he came to my electorate office with a correspondent and told me what was going on. He said that it was easier to get into Russia than into the Pitjantjatjara lands, and I had to agree with him.

Mr Gregory interjecting:

The Hon. E.R. GOLDSWORTHY: I am saying what my constituent told me. The honourable member should not be too generous about anything. That person was a jolly decent fellow, and he was used to making outback trips. He had no record of vandalism, but he was refused entry to the land. I understand that the matter was rectified.

Mr Gregory: You just said that it's easier to get into Russia, and I said, 'Don't be so generous about it.'

The Hon. E.R. GOLDSWORTHY: I do not quite see the point.

Mr Gregory: You don't understand too much, then.

The Hon. E.R. GOLDSWORTHY: I am not on my own. The member for Florey wants to get a bit personal.

The CHAIRMAN: Order! The member for Florey is out of order, and he is out of his seat.

The Hon. E.R. GOLDSWORTHY: I have related that incident to the Committee because from first-hand knowledge from one of my constituents I believed that the legislation was not working properly. It certainly was not working properly in regard to that person or his wife, who wished to accompany him.

Mr MEIER: This is a classic case of discrimination. It is an example of people being created equal but some being more equal than others. In this case an Aboriginal is specifically identified, whereas the amendment proposes a person. Does that mean that non-Aborigines would perhaps be well advised not to befriend Aborigines? It has been a custom in this country for friends to invite friends into their abode, but perhaps this will not occur any more. I do not know how the Government can explain the situation.

Members interjecting:

Mr MEIER: It is typical of members opposite to laugh about these things. They could not care less. I wonder what their attitude will be in years to come when we see the results of this ill-prepared legislation and the effects of the other legislation that was rushed through in the past weeks. If members opposite want to treat it as a joke, that is their business: they can wear the rap later. We are doing our best to try to correct the Bill and to get it into some decent shape. I express grave concern at the obvious discrimination.

Amendment negatived.

Mr GUNN: I move:

Page 8, lines 22 and 23—Leave out paragraph *(e)* and insert new paragraphs as follows:

(e) a person who enters the lands at the invitation of a traditional owner;

(ea) the lawful or *de facto* spouse, or child, of a person who is referred to in paragraph *(a), (b), (c),* or *(e).*

This is a very important amendment, which seeks to insert a provision that is identical to that contained in the Northern Territory land rights legislation. There is nothing unusual, improper or odd about a person inviting another person to his place of abode, and this amendment allows a traditional owner or someone living on the land to invite anyone to that location without their having to go through the cumbersome exercise of obtaining a permit or to be subject to the force of action of certain people whom one could only describe as having undue influence on other people and preventing people like Mr Lindner and others from going back.

I could name the scoundrels and villains who set out to vilify people like Mr Lindner, but I will not go on, although I have the file. I could give a political history of what happened, and it was disgraceful. Grave untruths were told, and we know who it was. I will not tell the Committee, but I could give the whole history. Again, I appeal to the Minister: if he wants to see the legislation become law and see these people get what they require, he had better start to lift his game and give serious consideration to these amendments because he knows as well as I what the Leader has said, what the Constitution Act states and how it operates, and he knows that talk of a conference will not mean anything; the Bill will fail. I suggest that he put an end to this nonsense at 2.20 a.m. It is ludicrous that we have to be here at this time to try to logically debate these amendments. I appeal to his better judgment to accept the amendments.

The Hon. G.J. CRAFTER: The first of those amendments was the first point debated this evening. The second point is valid but that is covered by the provision for group permits. I expect that family units would be covered in that group permit structure which is a departure from the Pitjantjatjara lands provision. I would oppose the right of entry of persons carrying on exploration operations on the land without going through the permit structure.

Mr GUNN: I am amazed that the Minister will not accept part of the reasonable amendments. I do not know whether the Government wants this legislation passed. We are trying to be reasonable, but we have been tested. I have cases where people have been questioned about bringing their spouses on to the Pitjantjatjara lands which involved an oversight at the time of the Pitjantjatjara land rights legislation, in which the amendment was not inserted. I can recall Mr Toyne saying, 'No problem, there will never be anyone stopped or even questioned.' If that is the Government's attitude, we might as well stay here until breakfast time. Members of the Select Committee and the Liberal Party are trying to co-operate and be reasonable with this Government. If it wants to see this legislation tossed out of the Parliament, that is what it will get.

The Committee divided on the amendment:

Ayes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Gunn (teller), Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 3 for the Noes.

Amendment thus negatived.

Mr GUNN: As a result of that vote I will not proceed with my foreshadowed amendments after line 26 and to line 28. I move:

Page 8, after line 30—Insert new paragraph as follows:

or

(g) in any event—entry by any person upon that part of the lands that is within fifty kilometres of the railway line known as the 'Trans Australian Railway' that is situated near the southern extremities of the lands.

The amendment is to give the people of Cook unlimited access to the land in the areas where they go for recreational purposes. An arrangement was entered into, which most people thought would cover the situation. However, reflecting upon what has happened in recent times, I believe that it is essential that these people are allowed to continue the activities that they have undertaken ever since Cook was first established. I am yet to be convinced that this is not a proper course of action to adopt. I think that any clear headed and reasonable person would accept this proposition. I do not think that any reasonable person would want to see the people of Cook unduly confined in a ghetto. Therefore, I believe that it is essential that the amendment standing in my name is carried.

The Hon. G.J. CRAFTER: I certainly share the feelings of the honourable member for the people of Cook. The committee visited Cook and spoke to the people there, and it visited the school and spoke to the staff and children at the school. Indeed, there have been discussions. I think that the honourable member for Eyre has been to Cook since that time, and there have been discussions between officers of my Department and the people at Cook. I believe that the fears that the honourable member has for the people of Cook are covered by the special provisions in the legislation, so they still have unrestricted access to recreational areas and to the various donga areas, which are important to them (particularly the children of the town).

Agreement has been reached with all the parties over a period of time. I think that the special blanket permit system that is proposed for the town will provide appropriate freedom of movement for those people so that in effect they can go on living their lives as they do now, as difficult as it is in a place like Cook.

Amendment negatived.

The CHAIRMAN: Does the honourable member for Eyre wish to move the other amendment to line 32 standing in his name?

Mr GUNN: No, Mr Chairman.

Clause passed.

Clause 20 passed.

The CHAIRMAN: Does the Deputy Leader wish to insert a new clause 20a?

The Hon. E.R. GOLDSWORTHY: I do not intend to proceed with that amendment or my amendment to clause 22. They are consequential upon amendments that I moved earlier in relation to changing arrangements for exploration and prospecting activities. We have canvassed those matters at length. The Minister is quite intransigent in relation to those matters. It is fairly fruitless to repeat that exercise now. I will not pursue those amendments further, but hope that another place will take care of the situation.

Clauses 21 and 22 passed.

Clause 23—'Royalty.'

The Hon. E.R. GOLDSWORTHY: I move:

Page 13, line 41—

Leave out 'The' and insert 'Subject to subsection (2a), the'

Page 14, after line 2—

Insert new subclauses as follows:

(2a) If the income of the Fund maintained under subsection (1) exceeds in any financial year the prescribed limit, the excess shall be paid in full into the General Revenue of the State.

(2b) No moneys shall be paid out of the Fund maintained under subsection (1) unless a regulation is in force prescribing a limit for the purposes of subsection (2a).

This is a new matter, relating to the limit that currently applies in the Pitjantjatjara legislation. As I pointed out to the Minister earlier, it was part of a package deal that was freely negotiated over a long period. A great deal of give and take was involved in the negotiations. This was one provision that the Pitjantjatjara were not happy about, but there was a lot in the Bill that we were not happy about. It was a fully negotiated piece of legislation, accepted by all. After a period, when a new compliant Government comes into office, to renew that request (which was part of the package) and to strike it out is in my view quite unconscionable. We believe in the principle which we hung to and which was agreed by the Aboriginal people. This Bill seeks to change that arrangement; we will not have a bar of it.

I will not prolong the argument except to say that we believe, on the basis of any rational argument, that one cannot have an open-ended cheque in relation to the share of royalties. Special arrangements are made for the Aboriginal people, who get more than any other citizen in the State. We do not disagree with that, but to have an open-ended cheque when we bear no further responsibility to other underprivileged groups in the State is not on. We pointed this out; we agreed with the Aboriginals; this was part of the package, and to change it now is quite wrong. My amendment will restore the position that was agreed with the Aboriginal negotiators.

The Hon. G.J. CRAFTER: The Government opposes the honourable member's amendment. I must say that it is out of step with the Commonwealth legislation that applies in the Northern Territory. I believe that the concept of a cut-off point is contrary to the concept of a self-sustaining community. The time will come when there needs to be some modification to the proportion of shares provided for under the Bill. As honourable members will know, it is one third to general revenue, one-third to Aboriginal communities across the State, and one-third to that particular community.

I suppose that all members look forward to the payment of royalties. However, I see no likelihood of that occurring in South Australia in the immediate future. The opportunity for the payment of excessive royalties is some time away. I favour a transfer of what would be regarded objectively as excessive royalty payments to the traditional owners so that the first degree of flow-on would move to other Aboriginal communities and, finally, to general revenue sources. The blunt method that is used in this amendment is self-defeating.

The Hon. E.R. GOLDSWORTHY: That is a completely unsatisfactory answer. The Minister knows perfectly well that these are the extant provisions in the Pitjantjatjara Land Rights Bill that were accepted by all concerned. If the Minister when in Government wishes to make the sky the limit he can do that, but to tinker with provisions that were negotiated and agreed is quite wrong, and the Minister's answer is quite unsatisfactory.

Mr MEIER: In regard to the stipulation in the amendment that if the income of the fund maintained under clause 23 (1) exceeds in any financial year the prescribed limit the excess shall be paid into general revenue, obviously the limit must have been specified elsewhere. That seems to be a very generous provision having regard to the return from other freehold land that is leased. The Government's opposition to this amendment is surprising in view of the Premier's criticising the Opposition non-stop for the past 12 months for continually asking for more things to be done and saying for that to occur more money must be generated, as well as blaming the Opposition for there being insufficient money in Treasury (even though it is obvious that overspending has occurred). This amendment provides that excess funds will possibly be distributed to appropriate areas and not to areas where there may be more than adequate funds anyway. I am surprised that the Government is not prepared to accept this amendment.

The Committee divided on the amendment:

Ayes (21)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clauses 24 to 26 passed.

Clause 27—'Consent of Maralinga Tjinatju required for road works.'

Mr GUNN: I move:

Page 15, line 2—After "road described in the second schedule" insert "or the roads delineated in the map comprising the fourth schedule,".

This amendment is important and is based on sheer common sense and logic. At present, and until this Bill is proclaimed, if it ever is, any citizen of this State has the right to drive on existing roads in these lands. We are talking about 8 per cent of South Australia. If we are going to be asked to be so foolish, short sighted and naive as to deny the public of this State the opportunity to drive on a road reserve 200 metres in width we are absolutely foolish. No matter what anybody thinks, a number of the provisions in the Pitjantjatjara legislation will not stand the test of time.

Foolish and short-sighted provisions such as those we have before us in this Bill will bring this legislation into ridicule and will cause the Pitjantjatjara legislation to be amended. Let us make no mistake, there will be attempts to amend that legislation in the next session of the Parliament. If those attempts are not successful then honourable members can rest assured that they will be successful in the not too far distant future. If common sense had prevailed from the beginning with this legislation we would all be home in bed now and this legislation would have been assured of its passage.

Mr Gregory interjecting:

Mr GUNN: The honourable member does not know anything about these provisions or he would not make such a foolish interjection. If he took the trouble to read the legislation, to speak to some of the people from the area, or to look for himself, he would not been so foolish as to have made that remark. He may think that this is a laughing matter, but there are many people in this community who do not think that, including members of the four-wheel drive clubs in his area and I will have much pleasure in telling them of the attitude that he has adopted regarding this matter, and of his trying to turn it into a joke. Every citizen of this State, when they suddenly realise what has been inflicted upon them in this legislation (if it passes) will realise that this is a serious matter. Surely the Minister, if he has any common sense, will accept this reasonable amendment.

The Hon. G.J. CRAFTER: This matter was considered at length during the deliberations of the Select Committee. One needs to look at the roads that exist on the Maralinga lands when considering it. They were constructed for use by the vehicles involved with the bomb tests at Maralinga. Prior to that there were no roads across these lands. First there was evidence from the environmentalists, who sought to have restricted access to the Unnamed Conservation Park, so that this area was not opened up.

Secondly, there is the request of the traditional owners to have rights over their land. They are not opposed to people coming on to the land. In fact, they are prepared to give a basic right of entry on the lands to people going into the conservation park. They have rights, one would hope, associated with the ownership of land, and the requirements of the legislation meet the rights that are associated with the ownership by traditional owners of the land and their requests that they have a strong law over that land. I therefore suggest that the fears that the honourable member has expressed to the committee, to witnesses before the committee and again here this evening in the House will be allayed by the practising of the legislation.

Mr GUNN: Nowhere else in South Australia or the world has such a huge lump of land been set aside in relation to which it has been said that there will be no roads. Elsewhere in South Australia there are surveyed roads. We can go into prime agricultural areas and the roads are closer to one another. In marginal lands they are more spread out, but there are still road reserves that were surveyed at the time the land was let out. To be so shortsighted and stupid as not to agree to have two or three roads in the area is unbelievable. Nowhere else in the world would people be so foolish or stupid as to carry on in such a manner and say, 'We want a strong law'. It is not interfering with the law, and the Minister must realise that. The overwhelming evidence was in favour of keeping the roads open.

The national parks people wanted to see the roads opened for the people who drive up there. One road goes from Mabel Creek to the conservation park, another goes from Cook, and a third goes further up. We are not asking to have one every five kilometres. There are about three roads with 100 kilometres either side. The general public will hold the Minister and the Parliament in contempt if we carry on with such nonsense. I am dumbfounded to think that so-called sensible people would be so stupid as to be so arrogant and reject common sense. It is obvious that the Minister and his colleagues have made up their minds.

The majority of Labor members do not understand the significance of the legislation. I could go on arguing until I am blue in the face. No matter what the do-gooders and advisers, who have got to the Minister's ear, say or do, they will not stop them, and, when the first group of people is stopped, this legislation will be ripped open. The sillier the clauses we pass the quicker the legislation will have the guts torn out of it; make no mistake about that. If I have any influence over the next Liberal Government that is elected, I will be doing my best to see common sense applied in relation to the Pitjantjatjara legislation. We have already suffered from the stupidity of some of the clauses in that legislation. We do not want to be so foolish again. We would have opportunity to review that legislation, as there are anomalies in it that should be rectified. To repeat them in this legislation when we have been warned, when people have pleaded with us, and when we are staring common

sense in the face is beyond reason. The Minister has been shortsighted, foolish and naive. His Government will pay for the day that it passes clauses as silly as this one that I am trying to amend.

Mr MEIER: I certainly found the Minister's answer to this amendment hard to comprehend. The first part of the answer referred to the fact that these roads were not there until bomb testing started. That is just like saying that, if one took Yorke Peninsula as an example, the first roads were not there until the first squatters or selectors, as they are generally termed, came and the cattle tracks were created, and that the next set of roads did not occur until the farmers came and the area was surveyed on a grid pattern overall. We could go further and say that later roads were created to meet particular needs. Surely, these roads have been created one way or another, and to say that one does not want them perpetuated unnecessarily is a reason that I find incomprehensible. The member for Eyre has put the rest of the arguments forward clearly and concisely, and I will not repeat them.

The Committee divided on the amendment:

Ayes (21)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Gunn (teller), Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clauses 28 to 43 passed.

First schedule.

Mr GUNN: I move:

After 'Out of Hundreds' insert ', excluding the portion of the land comprised in section 1446 which is east of longitude 132°00′E"'.

We are totally opposed to the provision in the first schedule. In the rush through the clauses, I missed an amendment dealing with the Highways Department. We are telling the people of South Australia that we will extend the land that the people at Maralinga will get by some 25 000 square kilometres without giving any sound reason or logic. There is no need to do that. In all the discussions in which I have been involved, going back as far as 1970, there was never a request for that, and there was no need or desire for the people at Yalata to have this extra land included in that area. The matter was not laboured at length in the Select Committee.

It is obvious that a small group of people in the A.L.P. and the Government dreamt up this legislation, aided and abetted by that left-wing clique that operates out of Alice Springs. We all know who they are, and they are exercising far greater influence than the support they command in the community. Those people are responsible for this proposal and for a number of other proposals. It will be on the head of the Minister and the Government if they succeed. The proposal to add another 25 000 square kilometres of land will virtually deny access to the general public of South Australia, and it is uncalled for and unncessary.

The Aborigines like any other South Australians currently have access to the land. It is unallocated Crown land and is available to the public. We are saying that people will have to obtain a permit. We are being asked to hand over the land to the Bradshaws, the Toynes, the Vachons and the Tregenzas, people who, in my judgment, have no right to dictate to the people of South Australia. What we have seen in this Parliament tonight is a poor state of affairs. They are the people who will be dictating: the people of Yalata will not exercise control over the land. I could name others who will be exercising actual control. We recall the experience of the Pitjantjatjara legislation. In that regard, one must go out of South Australia to obtain a permit to visit parts of this State.

Mr Becker: It takes 12 months to get a permit.

Mr GUNN: The time factor is too long. Those people certainly have not complied with the spirit of the law in relation to obtaining permits in Adelaide. The Pitjantjatjara have 10 per cent and we must then consider the original 5 per cent plus another 3 per cent. Therefore, an amount of 18 per cent of South Australia has now been set aside and the mining companies will be kept out of it, as will the citizens of South Australia. People will not be allowed to drive on the roads. We are expected to sit idly by while a provision of this sort is pushed through the Parliament at 3.5 a.m. The majority of South Australians are reasonable and sensible people and believe in treating the Aborigines fairly. That is the attitude that the Liberal Party adopts. It does not object to the Aborigines having what is rightfully theirs. I do not believe that Sir Thomas Playford or Sir Glen Pearson in their wildest imaginations would have dreamt of allowing a measure of this nature to be drawn to extend the land out to longitude 133 degrees east.

The Government will have its way in relation to this provision and it has to accept the responsibility for it, but make no mistake that the Government will create a number of problems for itself. It has had the warning. I would rather be home in bed as much as anyone else in this Chamber. It is the second late night and we are probably heading for a third.

Mr Ferguson: You get better as the night wears on.

Mr GUNN: The honourable member thinks that this is a laughing matter but he is one of those who is a oncer in this Parliament. It will be measures of this nature which will bring about his downfall and that of a number of other members with him, because the public of South Australia is becoming more aware of the situation and the foolishness of this Government. The Opposition would not wish to deprive the Aborigines of what is justly theirs, but it has a responsibility to all South Australian citizens and, when the Government takes 18 per cent of the State and denies the normal provisions of the law of this State from applying there, it is not acting in the best interest of all South Australians. If we proceed as we are, whatever else happens to this legislation, it will not stand the test of time. People can drive on the roads on Indian reservations in the United States without the need for a permit. There are not the type of restrictions that we are placing in relation to this legislation. It is obvious that, no matter what I say, the Government will not accede to my wishes. The die is cast and this Government will have to accept the responsibility. It is short-sighted and in many cases foolish, and I do not suppose that there is much point in continuing. I have been going to Yalata since 1969.

Mr Becker: Do you have to get a permit to go there?

Mr GUNN: No, members of Parliament will be the only ones who will not need to have a permit for entry.

Mr Lewis: The member for Henley Beach will need a permit.

Mr GUNN: Yes. The member for Henley Beach will need a permit in a couple of years.

Mr LEWIS: Can the Minister explain, because I have had difficulty discovering it in the Select Committee evidence, why he chose to relate this measure we have now passed to the said land in section 1302, out of hundreds, and section 1446, out of hundreds? Does he sincerely believe that that delineates exactly the lands that traditionally belonged to the Maralinga people, no more and no less, that

it is precisely in accordance with the definitions of those sections out of the hundreds that are on their boundaries, or is there some other reason for choosing those sections out of the hundreds?

The Hon. G.J. CRAFTER: The land delineated in those sections is the land under claim. This is what the Select Committee was asked to consider. One could say that the boundaries are artificial to the extent that pastoral boundaries are artificial. Often fences are built on terain where it is easy to build them, rather than on the actual fencing line. I imagine that the claim does not follow the boundaries as such, for example, the boundaries of the Unnamed Conservation Park. This is the most appropriate way that a measure of this kind can be dealt with administratively.

Mr LEWIS: Is the Minister also satisfied that given that this is artificial, a European's conscience salve, convenient because that is where the line happens to have been delineated for quite different reasons at some earlier time: the lines were put there by the Minister and other Labor Party members of the Select Committee. Given that they have done that for those reasons, are they sure that the Bill preceding this schedule does not preclude even one traditional owner from whole or part of the land for which his tjuringa is relevant?

The Hon. G.J. CRAFTER: I am not sure that I understand the point made by the honourable member. The Select Committee received evidence to the effect that the land as delineated covers the area claimed by the traditional land owners as their home land. Although we have gone over in debate and publicly the reasons for the recommendation to extend the lands to longitude 133 degrees, this matter was considered at various times by the Select Committee. Honourable members who have read the evidence will recall the evidence of the United Farmers and Stockowners which recommended that these lands be taken to longitude 133 degrees.

With respect to the pastoral use of the lands, serious consideration has been given to the extension of them into this area. A comprehensive report was prepared by the Pastoral Board on the extension of pastoral land into the area and the report recommended against it, although there was debate about aspects of the report in the work of the Select Committee. With respect to mining leases that exist on the land, provision is made for them to continue. As I said, some of the leases will continue until 1996. Substantial consideration was given to this extension and the merits of it.

Mr MEIER: In the second reading debate I expressed my concern that perhaps this is not the limit of the land that will be claimed by Aborigines. I was interested to hear the Minister's response to earlier questions. The Select Committee dealt with the possibility of extending the land from 132 degrees to 133 degrees, an extra 25 000 square kilometres. It appears that that matter has only come out in the past year or so. Why was it not raised earlier? What guarantee is there that in the next few months or years there will not be further claim to thousands of square kilometres. Earlier I referred to a map which another member claimed did not show the area. I point out that there were four maps in the series and the map to which I referred showed only part of South Australia. That map clearly showed that Aboriginal tribes occupied all parts of South Australia and, therefore, it is of great concern to me that we are extending this apparently because of evidence that has come to light over the past 12 months. Does the Minister wish to comment, or is a *fait accompli?*

The Committee divided on the amendment:

Ayes (21)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Gunn (teller), Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Amendment thus negatived; schedule passed.

Second and third schedules and title passed.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a third time.

Mr OLSEN (Leader of the Opposition): The Opposition will not be supporting the third reading of the legislation. The Government has failed to consider any compromise, as quite clearly put forward by the Chairman who, on leaving the Chair said, 'We have considered 1 000 amendments and agreed to none.' The Government has used its numbers to block any common sense and compromise. The Opposition was merely seeking to ensure that the legislation was competent legislation that would in fact work. As it leaves this Chamber, it is not competent legislation and that is certainly supported by recent Supreme Court judgments in South Australia.

The Government will now have to accept the responsibility for the failure of this Bill if it is not prepared to rethink its position while the Bill is before another place. The Government seems more interested in symbolism than in achieving a practical and effective outcome to the granting of land rights to the Yalata community. The position quite clearly is that the Government has been hell bent on holding its position without giving any consideration whatsoever to the amendments proposed by various members of the Opposition.

The Hon. Michael Wilson: It's completely intransigent.

Mr OLSEN: Totally intransigent; but the responsibility as to whether the legislation passes both Houses of Parliament rests solely on the shoulders of the Government as to whether it is prepared to rethink its intransigent position before another place. This legislation is about balancing the interests of all South Australians, and, by its action before this House, the Government is running away from some very difficult decisions. We acknowledge that, but we do not assume to run away from those difficult decisions.

It is typical of this Government that it is not prepared to face up to some of those difficult decisions. It is more typical of the actions of this Government as each day goes by. It is interesting to note that, as the legislation leaves this House, the Premier has kept at more than arm's distance in relation to this legislation, as has the Minister of Mines and Energy. For the reasons enunciated, the Opposition will not support its passage to another place because it is incompetent legislation.

Mr GUNN (Eyre): I am very sorry that the Opposition has been placed in a situation of having to oppose the third reading of this Bill. This would not have been necessary had the Government been prepared to accept a little reason, logic and common sense. However, it has given us no alternative. I am referring to those of us who believe that the competing interests of all citizens of South Australia must be taken into account in effective legislation that will treat fairly the people at Yalata. In the past they were deprived by being shifted from their homelands, and we wish to see them returned to those lands under conditions that will protect them for ever and a day.

However, as the Bill reaches the third reading stage it is defective. It is not a piece of legislation that will stand the test of time. The Government intends to set aside 18 per

cent of the total area of the State; it maintains that it wants the Highways Dept to fix up the roads, but that the citizens of South Australia will not have open access to those road reserves. If the Government expects legislation of this nature to stand the test of time, it is sadly mistaken and it has misunderstood the general feeling and attitude prevalent in the community in regard to these matters. The tide is changing; the community is just starting to understand what is occurring in regard to that 18 per cent of South Australia.

I am very sorry that the Government has decided to simply put up the shutters, forget about logic and reason and to hope it can see the matter through. It is now in the Government's hands. From the beginning of the operation of the Select Committee we tried to be positive, constructive and helpful to ensure that the legislation when it left this Chamber would serve the interests and welfare of all citizens of South Australia well. Opposition members aimed for that goal; we had no wish to delay the legislation. We did not wish to debate this legislation into the small hours of the morning, but in a democracy people must, if they believe that they are right, fight these issues through every avenue of the Parliamentary system. That is what we had to do, unfortunately. The die is cast; the Government will have its way, and it will reap the benefits that will flow from this measure.

Mr LEWIS (Mallee): As this Bill comes out of Committee there are some points that members should bear in mind in deciding whether or not to support the third reading. First, members should be aware that the definition in regard to 'Aboriginal people', due to the Minister's neglect to take up a suggestion that I made to him in this regard, precludes the possibility of people other than those who are descendants of those who were inhabitants of this land prior to European settlement becoming beneficiaries and participants under this Act. The Minister would give no assurance on that point.

Secondly, the member for Eyre pointed out that under the terms of this Bill not only will we provide the money to maintain the road network on the lands in question at the expense of the general taxpayers but also we will not receive any royalties that may derive from any minerals discovered and exploited on those lands that would constitute a contribution to taxes.

The Government has provided an open-ended cheque without a head on it, under the terms of the Bill as it now stands. Those involved are not required to contribute to the maintenance of the land over which they have absolute and total control. Further, other citizens of South Australia will be precluded from deriving anything like a reasonable share of benefits or from having reasonable access to this part of the State, which is still covered by the laws of the Crown and which still benefits from expenditure of moneys collected by the Crown. By bringing in this kind of legislation it can be expected that the Government will indeed disappear like magic at the next State election.

The Hon. G.J. CRAFTER (Minister of Aboriginal Affairs): I congratulate members who participated in the debate on the standard of the debate. I think it was a very interesting debate, perhaps one of the most interesting in which I have been involved for some time. While obviously I did not agree with a lot of what was said, I certainly appreciated the method of approach and the sincerity in much of what was said. I believe that the introduction of this legislation into this Parliament (some six or seven months ago), the process of the Select Committee and the debate that has subsequently occurred have been constructive and a proper course for Parliament to follow.

Prior to the most recent State election the former Opposition stated publicly that it intended to introduce legislation to return the Maralinga lands to the traditional owners of that land and that such legislation would be based on the model of the Pitjantjatjara legislation. That legislation was proclaimed some 10 or 11 months prior the election. It has been said tonight that the legislation before us is incompetent, that it is a sop, that it is a method whereby Europeans can salve their consciences, and so on. I say that all of those comments, if they were valid, should apply to the Pitjantjatjara legislation, too. I reject all of those comments, because I think that that legislation was treated with great respect and sincerity while following a similar process through this Parliament. I accept that in legislation of this type there will be imperfections, but we must not defer or reject a challenge offered to us. I would suggest to members of the House that the Government has a mandate for this legislation. I would hope that that mandate will be respected by the other place.

The House divided on the third reading:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen (teller), Oswald, Rodda, Wilson, and Wotton.

Majority of 2 for the Ayes.

Third reading thus carried.

SHOP TRADING HOURS ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF TOWNS OF MOONTA, WALLAROO AND DISTRICT COUNCIL OF KADINA

The Legislative Council transmitted the following resolution in which it requested the concurrence of the House of Assembly:

That the joint address to His Excellency the Governor, as recommended by the Select Committee on Local Government Boundaries of Towns of Moonta, Wallaroo and District Council of Kadina in its report, and laid upon the table of this Council on 29 November 1983, be agreed to.

WRONGS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

TRUSTEE ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 3.40 a.m. the House adjourned until Thursday 1 December at 11.30 a.m.