LEGISLATIVE COUNCIL

Thursday, August 11, 1966.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS.

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

Amending Financial Agreement,
Dried Fruits Act Amendment,
Housing Agreement.

QUESTIONS

WATER STORAGE.

The Hon. M. B. DAWKINS: Has the Minister representing the Minister of Works a reply to a question I asked on July 27 about further water storages?

The Hon. A. F. KNEEBONE: I have a reply from my colleague the Minister of Works in the following terms:

Construction of water storages on the North Para River has been investigated by the department on several occasions and the stream flow has been gauged since 1938. Examination of all the data indicates that there is no site on which to develop a storage that would compare with the effectiveness of sites to be developed on the Rivers Torrens and Onkaparinga. Similar remarks apply to construction of storages on the River Light, where the rainfall on the catchment area is relatively low and stream flow is unreliable. The potentiality of the State's streams for future water conservation is kept in view at all times and, following construction of reservoirs on the Rivers Torrens and Onkaparinga at Kangaroo Creek and Clarendon respectively, further intensive studies will be undertaken on other rivers in the State to determine the possibility of future dam construction. When this stage is reached the North Para River and the River Light will be included in the investigation.

SUPERANNUATION.

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question about the Superannuation Act?

The Hon. A. J. SHARD: Yes. The effective provision is that, for a person who was still a contributor on February 1, 1966, the credit due on account of excess contributions should be paid to him on retirement, or to his widow or other personal representative if he died before reaching retiring age. However, the provision for a person who was already a pensioner was for an appropriate increase in his pension rather than for a repayment. It was earlier intended that such an increase in pension to a retired contributor should be continued in any subsequent pension to his widow on the previously existing basis of 60 per cent of the husband's pension.

However, upon further representations to the Government by the associated unions and pensioner organizations, it was agreed to provide that widows' pensions should in all cases be increased to 65 per cent of the normal pension of their husbands, whether or not the particular husband was due for some addition to his pension. Since that special and arbitrary increase to widows exceeded considerably the prospective increases previously contemplated, it was decided that the widow of an existing pensioner should not be provided with both benefits. The unions and pensioner organizations concurred in this. Accordingly, it is believed that there has been no real inequity or anomaly in the treatment of widows of existing pensioners in this regard. Moreover, whereas existing pensioners would naturally have contributed only on the basis of their share toward a 60 per cent widow's pension, existing contributors will be called upon in their future contributions to provide for their share toward a 65 per cent widow's pension.

CO-OPERATIVE SOCIETIES.

The Hon. C. R. STORY: I ask leave to make a short statement with a view to asking a question of the Chief Secretary, representing the Attorney-General.

Leave granted.

The Hon. C. R. STORY: Recently I introduced a deputation to the Attorney-General asking him to consider increasing the permissible shareholding under the Industrial and Provident Societies Act to co-operative societies. Can the Chief Secretary say whether the Attorney-General has considered this matter and, if he has, whether a Bill is likely to come before Parliament?

The Hon. A. J. SHARD: I will take up this matter with the Attorney-General again. However, from memory, I do not think that Cabinet has yet considered a Bill of this nature.

RENTAL HOUSES.

The Hon. G. J. GILFILLAN: Has the Chief Secretary a reply to my question of August 2 concerning the provision by the Housing Trust of more rental houses in the smaller country towns?

The Hon. A. J. SHARD: Yes. During the last financial year the trust increased considerably the proportion of houses under construction outside the metropolitan area, and it expects this to continue during 1966-67. The

trust has become increasingly aware of the difficulty of expansion in country towns without rental houses, and agrees that a larger number of rental and rental-purchase houses (that is, low-deposit houses) needs to be built in country towns. During 1966-67 the trust will build more of these houses, and it is hoped that this policy will improve the expansion of local industries throughout the State.

LAND TAX ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 9. Page 902.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): We are considering this measure in somewhat different circumstances from those that existed when we discussed the land tax Bill during last session. The legislation presented on that occasion provided for a considerable increase in rates of tax and, if certain action had not been taken by the Council, those rates would have become permanent. I do not think one could gather a greater justification or vindication of that action of the Council in restricting the application of that measure to one year than the Chief Secretary's second reading explanation of the Bill before us.

The Bill presented to us last year did not take into consideration the assessment that was being made at that time, but sufficient information was available to enable us to know that there would be a tremendous increase in assessed values. The Council quite rightly desired to know the circumstances in which the measure was being considered. Now we have a Bill that can be studied on the basis of known facts that were not available previously.

The Government claims, according to the second reading explanation, that a reduction in land tax is being made, and at the same time provision is made for the collection of about $2,000,000 more than was collected last year. Therefore, it does not need much imagination for one to conclude that something is not revealed in the proposed tables of taxation. Otherwise, the Government would not be able to get the additional revenue from the tax that it has announced as its total collection. I shall deal with the reasons later in my speech.

The Bill provides for increased taxation. I think it is unfortunate, from the point of view of the economy of the State, that we should have a large increase in the amount of land tax collected. South Australia has in the past progressed by being a low-tax State, but much of the legislation presented by this Government attempts to keep South Australia up with the top State in the Commonwealth, and that applies to this legislation. We have many natural disabilities and disadvantages, such as a small population, poor rainfall and lack of mineral deposits, and, if we are to hold our own industrially in competition with other States, we should have advantages in taxation rather than the disadvantage of being no better off, and perhaps worse off, than the average of the other States of the Commonwealth.

This will have an adverse effect on employment, because industry is the greatest user of labour and, unless we have favourable conditions that enable industry here to compete with industry in the more densely populated States, we shall ultimately have to face the problem of finding jobs for our people. It has been said that the tax on the lower scale has been somewhat reduced. However, the few dollars gained quickly disappear because of the alteration in assessment. No doubt this was considered part of the Government's policy—to ease the tax on the small man and show him some slight advantage, however small it might be, and then tax the larger holdings, such as large estates or businesses, more heavily. That would be the easiest way of collecting a larger sum of money. However, I think it is a mistaken theory to benefit the small man by reducing his tax by a very small amount that would not mean anything of any great importance to him, and by placing the burden on industry and larger estates.

This measure will hit the man on the land, because he is not in a position to pass the tax on, whereas, if it is applied to industry or to housing, it is passed on. These increased charges must ultimately come back to the small man, by way of increased rent or prices of goods, services and food. Nobody can accept these increases without recovering them somewhere. I think one can read enough into a speech on another subject made by the Minister yesterday about costs being passed on, and so an attempt is made to control other increases.

In this case the Government is applying the increased costs, which are certainly going to be passed on to somebody else, as with any other increased cost. Obviously, the people must ultimately recover their costs to remain in business. Because of what has been set out in the table presented by the Minister, I have taken out some examples of the effects of this legislation, which

would suggest reductions in the rate of last year, but the table does not take into consideration the increase in the assessment. To obtain a proper example, it is necessary to take the same property and see what the assessment was prior to last session's big increase, and then see what it amounts to on the present basis. I have some half a dozen examples to show the increases that have been made.

On a suburban property assessed under the 1960 assessment and covered by the land tax rating of the 1961 Act (which existed until we altered the rate last year prior to the 1965 assessment), the unimproved value was $6,552 and the land tax, which continued until last year, was $20.48. Today, that same property is assessed at $8,190, and under the proposed rate the land tax is $16.38, showing a slight reduction which, as I said earlier, would apply in the lower part of the scale.

Let me take another property to show how quickly the position changes. It was assessed at $12,312 in 1960 and incurred a tax of $40.88. Under this year's assessment it is valued at $16,500, attracting a tax of $46, an increase of nearly $6 for that property, in a suburban area. A large building, in the city and suburban areas, was assessed at $259,776 in 1960, with a land tax of $5,524.25; the present assessment is $351,050, with a tax of $9,919.90. Another city property was assessed at $304,292 in 1960, with a tax of $6,915.38. Today, it is assessed at $420,450, with a proposed tax of $12,557.10. A country property valued at $16,776 (which is not a living area) in 1960 attracted a tax of $59.44 in 1965. Today, it is assessed at $25,350, with a tax of $92.10.

Those increases in the rate of taxation are considerable, and it is completely misleading to present a statement to the Council suggesting that the tax has been reduced. I take another country unit, a single-unit farm, with its surrounding fields. Here again, an increased levy is being made contrary to any suggestion that it is not. This property was assessed at $10,000 in 1930. It is interesting to note the full history of this place. For some years it attracted a total tax of $32. Thirty years later this figure had risen to $95 (a threefold increase). Five years later again it was $106 (or 3½ times greater). The next year (1965) it had risen to $132 (a fourfold increase), and under the present Bill the new assessment is $38,500, attracting a tax of $188 (or six times what it was only a few years ago). There has not been a change of that proportion in currency values. I suppose we can say that the immediate postwar currency has depreciated about four times; that a dollar immediately after the Second World War would be equivalent to $4 today. But the figures I have just given reveal a sixfold increase in tax, which is far greater than the normal depreciation in the value of currency in that period. I consider that these increases in charges are destructive of incentive and are not in the best interests of the development of the economy of this State.

Finally, it has been suggested in the Minister's explanation that this Bill fixes the rate for five years. I can find nothing in the Bill that makes that definite, that there is anything to restrict the Government reviewing the position even next year.

The Hon. A. J. Shard: That is covered in the second reading explanation. There is a paragraph dealing with it.

The Hon. Sir LYELL McEWIN: Yes, I think it was covered in the explanation, but other things I have read suggest, "Don't worry about it, because this Bill applies for five years." It is an interesting observation.

The Hon. A. J. Shard: It is at page 4 of the typed copy of the explanation.

The Hon. Sir LYELL McEWIN: I am glad that the Minister is admitting this and is not trying to get out from under it.

The Hon. A. J. Shard: One cannot get out from under it except with the consent of Parliament.

The Hon. Sir LYELL McEWIN: Very well. The Minister can talk to the gallery if he likes but I am talking to the President in the normal way. I am interested to find this admission by the Government, that it can bring in another Bill next year, only because the representatives of the Government accused this Council of interfering—

The PRESIDENT: Order! The honourable member must not refer to the gallery.

The Hon. Sir LYELL McEWIN: Mr. President, I apologize if I made that slip, but some things are obvious to members. What I was saying was that the Minister has drawn my attention to the fact, as I wished him to, that he had definitely stated that this legislation could be altered at any time. Last year great exception was taken when the Council restricted the measure to one year because we did not have information of what was about to occur relating to a new assessment. The very thing that the Government complained about last session it is now warning us about. We have land tax increasing sixfold over a few years, yet we are warned that, although this legislation may continue in

operation for five years, there is nothing to prevent the Government from introducing a Bill next session or in any other session to increase these charges upon the people of the State.

My final appeal to the Minister is that the Government will be most careful in its consideration of any further demands upon people through land tax. That is all I ask. I am not proposing to interfere with or suggest any amendments to this Bill. The Government has spent much money and it has to get more money from somewhere. There is only one source really to get it from—the people. A point sometimes forgotten by electors is that promises made by a Government have to be paid for with money from their own pockets.

The Hon. A. J. Shard: That applies irrespective of the Party.

The Hon. Sir LYELL McEWIN: I will have something to say about that later and I have another shot in the locker. But, because of the severity of this tax and its effects particularly upon primary industries in this State, the Government should give due heed to these increased rates of tax, for they are bound to have an adverse effect upon the State's economy. If the Government considers this matter seriously and takes appropriate steps now, we may be fortunate enough to have five years with no further increase in this field of taxation. I support the Bill.

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

MOTOR VEHICLES ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) BILL.

In Committee.

(Continued from August 10. Page 952.)

Clause 3—"Annual assessments."

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): The Hon. Mr. DeGaris asked why it was necessary to authorize the Minister to alter not only an assessment in force but also an assessment to come into force. He also asked whether the alteration meant that the Minister could alter an assessment and whether the new assessment would apply from the time it was made. The reply to the first query is that, under this Bill, assessments will be made in future as at January 1 in each year and will come into force for rating purposes from July 1. Therefore, if circumstances arise that make it desirable to amend property assessments between January and July in any year, it could be necessary to amend both the assessment that was in force at that time for the purposes of rating and the assessment made as at January 1, which would come into force on the following July 1.

Regarding the second query, clause 5 gives the Minister power to reassess any land or premises that have undergone any change by reason of the erection, alteration or demolition of any building or the subdivision or resubdivision of any land, or for any other reason. The amended assessment, under the provisions of section 66 as amended by clause 3, would replace the original assessment and come into force from the commencement of that financial year. However, for rating purposes, the amended assessment would not be fully applicable as, under the provisions of section 73, where properties have become so assessable since the commencement of the year the owner or occupier shall be liable to pay and be charged with only such proportionate part of the year's water rates as the Minister considers just.

This safeguards ratepayers who would be rated in accordance with the original assessment or the amendment, or a proportion based on both, in a manner considered appropriate and equitable considering the circumstances in each instance. If an unfair rating were made by the department under the assessment, the Minister would look at it. There is always the protection that this matter can be brought before the Minister's attention in this Chamber. I think my explanation should satisfy all members.

The Hon. R. C. DeGARIS: I thank the Minister for his explanation. I have no further doubts about this clause.

Clause passed.

Clause 4—"Power to inspect land and premises and assessment books."

The Hon. JESSIE COOPER: This clause would seem to be fair and reasonable at first glance, but a well-known song in the opera *Porgy and Bess*, performed at the Adelaide Festival of Arts this year, says, "It ain't necessarily so". The right to inspect for reasons that are only generalized and not specified lays itself open to abuse. It is all very well to give the right to inspect for what, under the present regulations, is a rare necessity but it could, with a change of outlook on what constitutes relevant items of property, be converted by a bureaucratic

department into a large-scale snooping campaign. Many people still think of their home as their castle. If this type of permission goes through in this Bill, then any generalized authority should be prohibited and the only authority given should be given for a specific purpose and should be under the hand of the Minister or the head of the department. I should like to have the Minister's assurance on this point.

We do not want to see householders treated in a cavalier fashion by any department. If blanket authority is given both as to preliminary notice of inspection and as to the inspection, then many careless acts will creep in. What is to stop, under this legislation, any inspector (or, indeed, any foreman) being issued with a bundle of notices announcing an inspection and then carrying out this inspection without any specific reason being given? Only this week we have been told of notices concerning pending inspections delivered unsigned and without any official heading indicating the department concerned. This is a dangerous practice and must cease. The clause must be closely adhered to.

If an army of inspectors are to be allowed to enter properties or premises without showing proper authority, very ugly situations may well arise. Many women spend long hours each day alone in their home. I can easily imagine a woman, having received a notice of an impending inspection, opening the door and admitting someone who is a potential thief or assailant unless she demands his written authority. By insisting on this clause being adhered to at all times, we can at least give protection to the householder and also to the inspector.

The Hon. A. F. KNEEBONE: I appreciate the honourable member's concern, but I assure her that there is no need for it, because in the first instance notification has to be given and the person who appears has to identify himself as an officer of the department. I regret that the honourable member referred to the question asked earlier this week, as yesterday I gave a fairly full reply. The roneoed notice bore the name of the department. It was an official notice on a roneoed form, with the name of the department on the top, the name of the officer in charge of the section on the bottom, and the reason for the inspection.

The specific reason for the inspections under this Bill is to make assessments. The department has been carrying out inspections for a long time in relation to sewer connections, and so on, and I do not know that there have been any complaints. Certainly, if there have been, they have been few and far between. I assure the honourable member that an authority card that cannot be duplicated must be produced. It is not a matter of a roneoed form, but one of an authority issued to legitimate officers of the department.

The Hon. Sir LYELL McEWIN: I appreciate the point raised by the Hon. Mrs. Cooper. I have spoken to the Parliamentary Draftsman and the head of the department in order to see whether some correction can be made to roneoed forms such as I referred to earlier. That roneoed notice was not signed. The name of the department, the Engineering and Water Supply Department, appeared at the top and then the notice contained a few curt sentences about what would happen. That attitude would not be accepted from other than a Government department, and surely it is not wrong for Parliament to avoid complaints being made rather than waiting for them to be made.

With the increase in crime, which seems to be accepted in these days of less discipline and greater population, we should correct anything that is wrong and safeguard private houses from intrusion by unauthorized people. Anybody could roneo a notice such as the one the Minister has been trying to defend.

The Hon. A. F. Kneebone: The man who follows up the notice has to produce a properly authenticated document.

The Hon. Sir LYELL McEWIN: No, he has not got to do that. It can be asked for, but every housewife is not so quick on the uptake as to ask for such an authority. I myself drafted a letter that I thought was proper, having regard to public relations and the work of the department. That draft was not a notice that somebody would be at a certain place on a certain day of the month and nothing more: it was a polite note to say that, because certain work would have to be done, it would be necessary for a person to enter the premises. It went on to say that an officer would be in a particular district in a certain period and it asked that the housewife telephone the department if she would not be at home during that time. It would be easy for someone to telephone the department and say, "I am sorry, but I shall not be at home tomorrow. I shall be here on the 4th, 5th and 8th." A mutually satisfactory arrangement can then be made.

The notice given will not be something roneoed, but one that can be recognized as an authority. I asked that this matter be

deferred yesterday so that the matter could be considered by the Minister of Works, the head of the Department and the Parliamentary Draftsman. I am sorry that I did not inform the Minister of what I had done. The head of the department concurred completely in my suggestion and the only alteration he made was that the officer shall produce the authority and not wait until he is asked for it. I think that is reasonable. I am pleased and not surprised at that, because these matters merely require attention to be drawn to them.

People do not want persons, who may or may not be qualified, tramping through their houses, and I think it is right for Parliament to take action on these matters when the activities of the departments are being considered. I have accepted that something will be done administratively and, therefore, have no intention of speaking further to the clause. I repeat that I am sorry I did not speak to the Minister before about this, but I have accepted an assurance that what I have suggested will be done. There is no objection to necessary work being done. The only matter at issue is whether the department goes about the work with the preservation of good relations with the public.

The Hon. A. F. KNEEBONE: When I spoke, I was answering what the Hon. Mrs. Cooper had said. I am aware that the Hon. Sir Lyell has had discussions on the matter. However, the Hon. Mrs. Cooper referred to a notice that was not signed and did not name the department concerned. It merely said that someone would be coming to inspect the sewerage system. I assure Sir Lyell that the suggestions have been closely examined by the department. Perhaps the notice was curt. However, it is in the interests of everyone that people be educated that they should not allow anyone to enter their homes unless such person produces certain authority. I say that for the benefit of all and not from the point of view that we should be absolved from giving proper authorities to officers.

The Hon. Sir Lyell McEwin: I think a proper notice should be provided.

The Hon. A. F. KNEEBONE: I can see the point that the honourable member has raised, and assure him that very serious consideration has been given to the matter and that there will be an improvement in the type of notice supplied.

The Hon. M. B. DAWKINS: I do not wish to delay the Committee, but I should like to endorse what the Hon. Sir Lyell McEwin and, to some degree, what the Minister have said —good relations are so important in dealings between members of the public and our public utilities. I have had some dealings with one State utility in particular, and the relationships have always been very good. Notices have been sent out well in advance and the officers concerned with the matter have been most courteous. I have also, less fortunately, had dealings with a department that is not a State department, whose public relations are not so good and who are prepared to call without any due notice, which is a bad state of affairs.

I am quite sure that all honourable members, whether members of the Government or members of our Party, would agree that if notices are properly given and the people who call are provided with due authorization and are courteous it will be for the good of the whole State and the betterment of relations between our necessary and valuable utilities and the general public.

Clause passed.

Clauses 5 to 7 passed.

Clause 8—"Imposition of water rates."

The Hon. A. F. KNEEBONE: I have been informed that one honourable member has an amendment to clause 9 that has not yet been properly prepared, and there will be some delay before it can be placed on members' files. I wish to have your advice, Mr. Chairman, as to what should be done. Can we deal with clause 9 after the others? I think we could deal with clause 8 and, before dealing with clause 9, report progress and deal with the rest of the Bill on motion.

The CHAIRMAN: There are two ways of doing it: you can ask for recommittal of the Bill and go back to that clause, or ask for consideration of clause 9 to be postponed.

Clause passed.

Clause 9—"Time of payment of water rates."

The Hon. A. F. KNEEBONE moved:

That consideration of clause 9 be postponed until after clause 18.

Motion carried.

Remaining clauses (10 to 18) passed.

Clause 9—"Time of payment of water rates."

The Hon. M. B. DAWKINS: I move:

In new section 94 (2) after "construed" to insert "(*a*)" and at the end of the section to insert:

"; or

(*b*) in any case where land is situated within country lands proclaimed as a water district under Part VI of this Act, the owner or occupier of

> such land may, in lieu of paying his water rates and minimum charges for water by measure under agreement in four equal payments as provided under subsection (1) of this section, elect by notice in writing to the Minister to pay such rates and charges for water in respect of such land by one annual payment for such rates and charges as are due and payable. Such annual payment shall be demanded not earlier than the thirty-first day of December in any year in which such rates and charges are due and payable.''

I must apologize for these amendments not being on members' files sooner; I was under the impression that they had been passed around before the Minister rose, but it was in the process of being done. It was not possible for me to contact the Parliamentary Draftsman at an earlier stage to get the amendment drafted. During my second reading speech I mentioned the fact that many people in the country would find it difficult to pay their water rates (I have been quoted as saying ''water and sewerage'' rates, but this was not correct, as most people in the country do not have sewerage) in the middle of the calendar year or the early part of the financial year, and I indicated that I would seek some amendment to enable this to be done about the end of the calendar year. The amendments I am moving would divide the proposed new section 94 (2) into two parts. The letter (*a*) would have to be inserted after the word ''construed'' and we would need a paragraph (*b*) to be inserted at the end.

This may not entirely cover what I had in mind, but it will make it possible for people in the country who are in some financial difficulty to elect to give notice to the Minister that they wish to pay these annual rates and charges in one annual payment. I agree that this postpones the earlier collection of the moneys coming into the Government, but it has the advantage that the ratepayer would have to elect to pay by December 31 the money that would otherwise not be payable until April of the following year if he had paid by quarterly instalments. Despite the fact that the Minister in his second reading explanation mentioned the possibility of council rates, water rates and the like becoming due simultaneously, I do not think that this would be a matter for objection by people in the country. They would much rather pay bills when they had money in hand than in the middle of winter when they are scraping the bottom of the barrel. Without labouring the matter further, I commend this amendment to the Committee.

The Hon. L. R. HART: I support this amendment. The Government, in introducing this Bill to make possible the quarterly payment of water rates, has granted a concession to a certain section of the community that wishes to take advantage of the new system. I do not object to this concession but I do not wish to see those people who have previously paid their water rates annually unable to continue to do so; they should not be deprived of that concession. Many people affected by this amendment have over the years paid their water rates towards the end of the second half of the year. With the new system operating under the computer, it is possible that these people will be denied this privilege and will have to pay their water rates earlier than hitherto. People whose income is derived from one cheque, or perhaps two cheques, in a year (in both cases in the latter part of the year) would find some difficulty in meeting their water rate payments, which are all the time increasing and which we assume will not decrease as the years pass, because South Australia is short of water and it is costly to supply it. As time goes on we may have to pay considerably more for water than we do at present.

The Hon. C. R. STORY: I support the amendment and agree with its purpose. The main benefit will be to the Government, for it will be able to gather in quickly the money that it so badly needs. It is only reasonable that people should be given a benefit, too.

The Hon. A. F. KNEEBONE: I have just had the amendment placed in my hands. I do not see how I can accept it, but I am prepared to look at it. The department has been most considerate of people in the past and I have no doubt that, in relation to the provisions of this Bill, if somebody finds himself in really dire straits, the department will continue to act sympathetically. However, I cannot envisage many people being in that position. In the circumstances, I ask leave to report progress.

Progress reported; Committee to sit again.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 10. Page 960.)

The Hon. Sir LYELL McEWIN (Leader of Opposition): A Prices Act Amendment Bill has been presented to Parliament annually for

many years. It usually provides an opportunity for considerable debate on the pros and cons of whether price-fixing does what it aims to do or does not. Having had the responsibility of handling such a Bill on many occasions, I am used to being at the receiving end of any criticism of this legislation. On this occasion I have not prepared any criticism of my own; I have to rely on the Minister's second reading explanation. Usually, the Council demands further information. This time, the Minister has relied on generalities rather than information.

When in 1964 I last presented this legislation to the Council, I produced what I thought were good figures in support of it. I showed the improvement in the State's economy and general condition for the previous 12 months as being the best in the Commonwealth. On that occasion the present Minister interjected that we were not as good as Queensland. He was barracking for Queensland then, but reference to those figures shows that we were level with Queensland—in fact, better than Queensland by a small margin. Those are the conditions that we need to maintain at all costs. I shall support this legislation in the hope that it can still make some useful contribution to the general welfare of the State. I was interested to hear the Minister say:

The $2 increase in the basic wage will add considerably to the costs of manufacturers and traders. As a result, many industries will be seeking to recover these increased costs by way of increased prices.

My comment is that the Government has carried out its administration in such a way that it has considerably increased costs. We have been considering other legislation today where the Government is trying to recoup some of its expenditure by way of increased taxation. Private enterprise is like the Government, and it is only natural that all these things will bring some adjustments in their train. Just to what extent the Prices Department can exercise control over private enterprise, I do not know. However, we know that private enterprise cannot function without making profits. One organization that should be subject to the jurisdiction of the department is the Government itself. Further, the Minister stated:

This State is particularly vulnerable to cost increases for two main reasons: first, because of the limited local market, a large proportion of our factory output has to be sold in other States in competition with goods made in those States and, secondly, in the case of primary producers, nearly two-thirds of the State's primary production amounting to approximately $280,000,000 is exported and is, in the main, subject to world prices.

The Government should take those observations to heart when imposing charges, and realize that those problems exist.

The Hon. F. J. Potter: That sort of information ought to be put before the Arbitration Commission.

The Hon. Sir LYELL McEWIN: That is what I am trying to impress on the Government. It should follow up some of the arguments that it advances against other people. The second reading explanation continues:

It is therefore important to ensure that any price increases which follow the wage increase are not excessive and are fully justified.

Again, I say, "Hear, hear!" The Government should include that sentence at the top of the Notice Paper, every time it is considering cost increases. The second reading explanation continued:

Prices and charges for a wide range of goods and services in this State are below those in other States, and there is continual pressure to bring many of these prices and charges up to the levels prevailing elsewhere.

That is exactly what we are always asked to do in Parliament. We chase the highest State in Australia in regard to land tax and succession duties. These charges are not supposed to be controlled by the Prices Department. In recalling the old saying that what is good for the goose is also good for the gander, I think that when trying to control the things mentioned in the Bill, the Government should not forget the arguments that it tries to have us accept; that it should adopt those arguments, itself, when imposing charges on the public. I support the Bill.

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

ABORIGINAL LANDS TRUST BILL.

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It takes a significant step in the treatment of Aboriginal people not only in this State but in Australia. The Aboriginal people of this country are the only comparable indigenous people who have been given no specific rights in their own lands. The Maoris, the Eskimos, and the American Indians all had treaty rights and ownership and control of lands in their countries. The Aboriginal people in this State, as elsewhere, have had certain areas of land reserved for Aborigines, but these

have been Crown lands not owned or controlled by the Aboriginal people, from which they could be removed. It is not surprising that Aborigines everywhere in this country have been bitter that they have had their country taken from them and been given no compensatory rights to land in any area. I intend to trace the history of Aboriginal land rights in South Australia, because on examination it is clear that Aborigines were wrongfully deprived of their just dues. We must, as far as we can, right the wrongs done by our forefathers. The Letters Patent under the Great Seal of the United Kingdom erecting and establishing the province of South Australia and fixing the boundaries thereof, dated February 19, 1836, contained the following proviso:

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.

While the Commissioners of the Wakefield Scheme in South Australia were empowered by the Act constituting the colony to declare all lands of the colony, except portions required for roads and footpaths, to be open to purchase by British subjects to make regulations for the surveying and sale of such lands at such prices they from time to time might deem expedient, and to pay the whole of the cash proceeds into an immigration fund, the Commissioners informed the House of Commons that for the purpose of securing to the natives their proprietary right to the soil, wherever such right might be found to exist, special instructions were given to the Colonial Commissioner in which it was laid down as a principle that of the colonial lands placed by Parliament at the disposal of the Commissioners, no portion which the natives might possess in occupation or enjoyment should be offered for sale until ceded by the natives to the Colonial Commissioner.

That officer was required to furnish the Protector of Aborigines with evidence of the faithful fulfilment of the bargains or treaties which he should effect with the Aborigines, and it was made the duty of the latter not only to see that such bargains or treaties were faithfully executed but also to call upon the Executive Government of the colony to protect the natives in the undisturbed enjoyment of those of their lands of which they should not be disposed to make voluntary transfer. It was further ordained that such transfer should be considered as involving a stipulation on the part of the purchasers that the Aboriginal parties thereto should be permanently supplied with the means of subsistence and with moral and religious instruction.

It was proposed that such lands as might be ceded by the natives to the Commissioners should be sold under the condition that for every 80 acres the purchaser would pay for four-fifths or 64 acres only; the conveyance to be made subject to a stipulation that at the expiration of a term of years the land so conveyed should be divided into five equal parts, one of these parts (or 16 acres) to be resumed as a reserve for the use of Aborigines, and the remaining four parts (or 64 acres) to remain with the proprietor as his freehold, the proprietor in possession being allowed the first choice of two of the five parts, and the Protector to select the reserve out of the remaining three.

The purpose of this was to ensure that the cost of development of the land would lie not with the Aborigines but with the proposed purchaser, and that upon the land reverting to the Aborigines it would revert in developed form. The general instructions to the Resident Commissioner by the Commissioners in London include the following provisions concerning the native inhabitants of the province:

His Majesty's Government having appointed an officer whose especial duty it will be to protect the interests of the Aborigines, the Commissioners consider it unnecessary to do more than give you a few general instructions as to the manner in which they are desirous that your own proceedings, with regard to the native inhabitants, should be regulated. You will see that no lands, which the natives may possess in occupation or enjoyment, be offered for sale until previously ceded by the native to yourself.

You will furnish the Protector of the Aborigines with evidence of the faithful fulfilment of the bargains or treaties which you may effect with the Aborigines for the cession of lands; and you will take care that the Aborigines are not disturbed in the enjoyment of the lands over which they may possess proprietary rights, and of which they are not disposed to make a voluntary transfer.

On the cession of lands, you will make arrangements for supplying the Aboriginal proprietors of such lands not only with food, but with shelter, and with moral and religious instruction. With this view, you will cause weather-proof sheds to be erected for their use, and you will direct that the Aborigines be supplied with food and clothing in exchange for an equivalent in labour.

The means for effecting these objects will be left for your arrangement with the Protector of the Aborigines; but you will bear in mind the necessity for a strict regard to economy. One means by which extensive benefits may probably be conferred on the Aborigines at a small cost, will be to afford them gratuitous medical assistance and relief.

If such an arrangement should appear to you desirable, you will apply to the Governor to give the necessary instructions to the colonial surgeon.

Some two years after the founding of the province, the Secretary of the South Australian Association observed in a report:

No legal provision by way of purchase of land on their behalf or in any other mode has yet been made, nor do I think with proper care it is at all necessary.

This remark augured ill for the scheme which had been suggested and in fact it never got off the ground, since the Aborigines laid no claim to proprietorship rights of the kind existing in the European society which had now invaded South Australia. Only certain small areas of land were set aside for Aborigines and those not in a developed state.

In view of the fact from the earliest times in South Australia it was considered that Aborigines should be subject to some kind of "protection", except in a very few instances freehold title to land was not given to the Aboriginal people, but certain Crown lands were reserved for the use of Aborigines. Many of these reserves are small. Certainly they could not form a living area in the agricultural or pastoral sense for an Aboriginal family. The following is a list of the Aborigines' reserves in South Australia, their area, whether they are occupied, whether they are manned by department officials or by missions, and, where occupied, the approximate number of the populace:

Aboriginal Reserves.

Reserve.	Hundreds.	Acreage.	Remarks.
Baroota	Baroota	109	Occupied by Aborigines
Berri	Paringa	21	Unoccupied by Aborigines
Bonney	Bonney and Glyde	1,618	Occupied by Aborigines
Boundary Bluff	Baker	96	Unoccupied by Aborigines
Brinkley	Seymour	46	Occupied by Aborigines
Campbell Point	Baker	250	Unoccupied by Aborigines
Ceduna	Bonython	49	Unoccupied by Aborigines
Dodd Landing Point	Baker	90	Unoccupied by Aborigines
Goat Island	Glyde	16	Unoccupied by Aborigines
Mallee Park	Lincoln	20	Unoccupied by Aborigines
Mannum	Younghusband	¼	Unoccupied by Aborigines
Marree	(Suburban to town)	7	Occupied by Aborigines
Moonta	Wallaroo	18	Unoccupied by Aborigines
Murat Bay (Duck Ponds)	Bonython	610	Occupied by Aborigines
Needles Island	Glyde	60	Unoccupied by Aborigines
Oodnadatta	(Out of hundreds)	660	Occupied by Aborigines
Parachilna	Parachilna	20	Unoccupied by Aborigines
Point McLeay No. 2	Baker	3,338	Unoccupied by Aborigines
Poonindie	Louth	314	Unoccupied by Aborigines
Rabbit Island	Glyde	138	Unoccupied by Aborigines
Snake Island	Glyde	80	Unoccupied by Aborigines
Streaky Bay	Ripon	26	Unoccupied by Aborigines
Swan Reach	Fisher	155	Unoccupied by Aborigines
Wellington East	Seymour	48	Unoccupied by Aborigines
Wellington West	Brinkley	132	Occupied by Aborigines
Fowlers Bay	Caldwell	¼	Unoccupied by Aborigines

The above reserves are not manned by staff.

Manned Aboriginal Reserves and Missions.

Reserves.	Hundreds.[1]	Acreage.		Population.
Coober Pedy	Out of Hundreds	500	+250	—300 in district.
Gerard	Katarapko	4,848	140	
Koonibba	Catt O'Loughlin	2,000	180	
North West	Out of Hundreds	17,676,800	+314	
Point McLeay No. 1	Baker	2,716	130	
Point Pearce	Kilkerran	13,591	306	
Davenport	Davenport	200	437	
Missions.	Hundreds.	Area.		Population.
*Yalata	Bice, Caldwell, Lucy, May, Sturdee, Trunch and Out of Hundreds	1,127,247 acres or 1,761 sq. miles.	+350	
**Ernabella		862 sq. miles.	+340	
***Nepabunna	—	36 sq. miles.	81	

* Staffed by the Evangelical Lutheran Church of Australia.
** Staffed by the Presbyterian Board of Missions.
*** Staffed by the United Aborigines Mission.
\+ Subject to flucuation because of transients.
[1] Subdivision of county or shire, having its own court.

In due course the Governor obtained power—at some times simply by recommendation of Executive Council, at others by resolution of both Houses of Parliament—to declare by proclamation any Crown lands to be reserved for Aborigines or to alter the boundaries of any reserve or to abolish any reserve. He also had power to acquire land and allot it for Aborigines but the occupancy was to be subject to conditions prescribed by regulation. In fact, little land was acquired or allotted to Aborigines. Under the Crown Lands Act, the Governor obtained power to lease to any Aboriginal native, or the descendant of any Aboriginal native, any Crown lands not exceeding 160 acres in area for any term of years, upon such terms and conditions as he thinks fit, and by proclamation to reserve any Crown lands for the use and benefit of the Aboriginal inhabitants of the State.

There are very few special Aboriginal leases under the Crown Lands Act. Some Aborigines have obtained freehold title, war service land settlement blocks, or the like, in the same way as other members of the community. In comparatively recent times, only two large acquisitions of land for the use of Aborigines have been made. One is of the Yalata Station, now run by the Lutheran Mission, on the West Coast, to which the Aborigines from the Ooldea Soak transferred. The other was the Gerard Mission area—an area of some 5,000 acres, including 1,000 acres of excellent irrigable land on the bank of the Murray River, near Winkie. Each of these areas is Crown land, as is the case with other reserves.

In the north-west of the State, the arid pastoral country, there was of course reserved a very large area, forming the South Australian portion of the Central Aborigines Reserve. The remaining areas have been split up into pastoral leases, and the only right of Aborigines in those areas is to wander freely on pastoral leases, provided that they do not interfere with installations or improvements. Aborigines did acquire certain specific rights by legislation to take game out of season but, as may be seen from what I have said, no land rights comparable with those granted to many other indigenous people were ever ensured for the Aboriginal people of South Australia, despite the published good intentions of the founders of the province.

Given the fact that Aborigines' reserves on Crown lands in other parts of Australia have at times been disposed of to the disadvantage of Aboriginal people, and the fact that Aborigines widely have come to know, understand, and in many cases to accept the attitudes of the European community as to proprietary rights in land, and that they feel extremely bitter that provision was not made for them, the Government of South Australia determined that it would ensure title in the existing land to the Aboriginal people, provided that they could manage these lands themselves, and where possible to give them some extra title in land as some form of possible compensation, limited

though it be, for the failure to carry out the original proposal of the Commissioners. In addition, it was felt that in due course further areas, useful for Aborigines, could be acquired and title provided to the Aboriginal people.

The Government therefore proposes to ensure land rights to Aborigines in this State, but to go further, and as a matter of specific compensation to the Aboriginal people to ensure to them control of mineral rights in any lands held as Aboriginal lands beyond those given to other citizens. It was essential for us to avoid the difficulties which have arisen in the United States of America, Canada and New Zealand concerning land rights for the indigenous people, for the constitutional difficulties, fragmentation of title, difficulty of calculation of inheritance of tribal assets, have beset the administrations. Careful consideration to all of these problems was given before the present plan embodied in the Bill was formulated. The Bill creates an Aboriginal Lands Trust consisting entirely of members who are Aborigines or persons of Aboriginal blood within the meaning of the Aboriginal Affairs Act. At the outset the trust will consist of three members nominated by the Governor. To these it is proposed to transfer all unoccupied reserve lands in the State and all occupied reserve lands which are not supervised either by the Government or by a mission when the residents of those lands indicate that they wish the lands to be held by the trust.

Thereafter, reserve lands which are in the supervised reserves may be transferred, apart from the administration buildings and staff homes, to the trust when the Aborigines Council established on these reserves indicates that it wishes the reserve lands to be held by the trust. At such time, the council may recommend to the Governor the appointment of a member to represent it on the trust board, and the Governor may appoint the recommended Aborigine to the board.

The reserve councils, elected by reserve residents of three months' standing or more, are now functioning on an informal basis. They will, however, shortly be constituted formally by regulation under the Aboriginal Affairs Act and given specific rights and titles, which it is clear from their period of informal operation they can and will discharge effectively. It will be possible for the trust board to negotiate with particular reserve councils for the development of these reserves, and to run separate reserve accounts if that seems to them best.

The Secretary of the trust board will be the Director of Aboriginal Affairs. The Minister of Aboriginal Affairs may use the officers of his department for work for the trust in his discretion, but the trust may also employ its own officers, who will not be members of the Public Service. 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. The trust may exercise its own discretion as to development of the lands but may alienate the land only with the consent of the Minister and the approval of both Houses of Parliament. The Minister's consent is not to be withheld if he is satisfied that the benefits and value of the land being alienated are being preserved to the Aboriginal people so that the purposes of the trust are carried out. There is a special provision that the North-West Reserve cannot be alienated from Aboriginal use or encumbered without the approval of both Houses. The Governor may by proclamation transfer any Crown lands or any other lands reserved for Aborigines to the trust. 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.

The plan of having a trust for the whole of the Aborigines of South Australia will provide a flexibility that will avoid the difficulties experienced in other countries, which I outlined. As the trust must report publicly and have its books audited by the Auditor-General, sufficient public surveillance of its duties can be ensured. I know that there are Aborigines in South Australia with the necessary qualifications and abilities properly to discharge the functions of the trust board, and I am confident that South Australia in taking this step is doing something of significance not only here but for the whole of the Commonwealth.

As originally drafted, the Bill provided that neither the Mining Act nor the Mining (Petroleum) Act should apply to lands transferred to the lands trust. This would have given to the Aborigines of South Australia a pre-eminent right to minerals beyond those given to holders of freehold title elsewhere in the State. The Government had three purposes in doing this. The first was that indigenous peoples elsewhere in the world have, under treaty, been given such pre-eminent mineral rights. American and Canadian Indians and

Indians in Alaska have been able in consequence to provide for their people very considerable sums arising from the advantageous contracts that have been made with companies or organizations seeking to exploit minerals on their lands. Only a short time ago there was published in America a review of the very great advantages that had accrued to certain Alaskan Indians in this way. Because of the costs of development and provision of employment for Aborigines in the tribal areas in South Australia, this provision could be a very real basis, upon the discovery of worthwhile minerals or oil or gas, of providing a viable economy in the area.

Secondly, this provision of pre-eminent mineral rights would be some small compensation for the failure to provide the Aboriginal people of South Australia with the lands which, according to letters patent and the instructions to the resident commissioners of the province, they were to have been provided with on the founding of the province. Thirdly, it would ensure that Aborigines would not be treated as have Aborigines elsewhere in Australia simply as people to be moved about without specific rights to their tribal areas. The happenings in Queensland and the Northern Territory have aroused fears by Aboriginal people throughout Australia that they will have lands removed from them for mineral exploitation, regardless of their rights or wishes. The excising from the Central Reserve of a portion of that reserve on the Western Australian side of the border has led to very considerable fears (and justifiable fears) by Aboriginal people. The Government wished to put this matter beyond doubt. So far as the Aboriginal Affairs Board was aware (and the Government acted upon its beliefs) no mining rights of any kind existed over Aboriginal Reserves in South Australia. There had been certain mining rights in respect of nickel granted in respect of the North-West Reserve, which had expired. It was, however, discovered, as a result of representations made by mining companies, that in fact under the previous Government oil exploration leases had been granted over all Aboriginal reserves in South Australia except the northern half of the North-West Reserve, and all of these reserves so covered by oil exploration leases were in leases containing much other land. The Government was committed to the maintenance of these leases and naturally could not jeopardize the oil exploration programme undertaken. The Aboriginal Affairs Board was shocked and horrified to discover that without reference to it rights in respect of Aboriginal Reserves had been granted, but the Government was constrained to see that existing oil exploration rights were honoured, and so the Bill is now presented in an amended form to see that existing rights are maintained. However, the Government has sought to do the most that it can in this area, and the provisions of the Bill now provide that, in the event of a discovery being made, pursuant to existing oil exploration leases, on an Aboriginal Reserve, all royalties will be paid to the trust board if the trust is holding the land and not to the Government.

I turn now to detailed consideration of the clauses of the Bill. Clause 5 constitutes the Aboriginal Lands Trust in the usual form. Clause 6 provides for a membership of at least three members, with provision for the appointment of up to nine additional members upon the recommendation of the Aborigines Reserve Councils, each of which may recommend only one member at any one time. An important provision in subclause (1) is that each member of the trust is to be an Aboriginal or person of Aboriginal blood. The term of office is three years and a member is eligible for re-appointment. Subclause (4) provides for the filling of vacancies.

Clauses 7, 8 and 9 provide for casual vacancies, remuneration of the members and the validity of the acts of the trust in the usual form. Clause 10 provides for meetings at which the chairman or acting chairman is to have both a deliberative and a casting vote. Subclause (3) provides that no meeting of the trust may be held in the absence of the Secretary who, by clause 14, is the Director of Aboriginal Affairs. In his absence or if he is unable to act another officer of the department may be appointed by the Minister to act in his place. Clause 11 provides for the quorum at meetings.

Clause 12 provides that the trust is not to be a department of the Government or to represent or accept when so authorized to be an agent or servant of the Crown. Clause 13 provides for the making of annual reports to be laid before Parliament. Clauses 14 and 15 deal with the Secretary and staff of the trust, clause 14 providing that the Director of Aboriginal Affairs is to be the Secretary and clause 15 enabling the trust to appoint officers and employees on terms approved by the Minister. Clause 16 empowers the Governor by proclamation to transfer to the trust any Crown lands (on the recommendation of the Minister

of Lands or Irrigation) or other lands reserved for Aborigines but in the case of reserves such a transfer can be made only with the consent of a reserve council if one has been constituted.

Subclause (2) makes special provision that all metals, minerals, oil and gas shall pass to the trust and that the Mining Acts shall not apply unless the Governor by proclamation applies the provisions of those Acts with or without modification. Such a proclamation can be made only on the recommendation of the trust or of both Houses of Parliament. Subclauses (4) and (5) deal with mining. No new lease or licence for mining may, after the commencement of the Bill, be granted over reserves, but existing leases and licences are preserved, subject to the payment of royalties to the trust. Likewise, no fresh leases or licences are to be issued after the transfer of lands other than reserves to the trust. These provisions are designed to secure to Aborigines the benefit of minerals and oils on trust land and reserves.

Subclause (6) of clause 16 empowers the trust to sell, lease, mortgage or deal with lands vested in it but only with the consent of the Minister which is not to be withheld unless the Minister is satisfied that the dealing fails to preserve the benefits and value of the land to the Aboriginal people of the State. However, it is provided in subclause (8) that no land vested in the trust can be sold without the prior approval of both Houses. Subclause 6 (*b*) enables the trust to develop lands vested in it. Subclause (7) makes a special provision relating to the North-West Reserve, no part of which can be alienated from Aboriginal use or encumbered without the prior approval of both Houses. Subclause (8) prohibits dealings with leases or licences granted by the trust without the Minister's written consent.

Clause 17 provides that the moneys of the trust subject to administrative costs are to be held and used for the development and improvement of the trust lands and for the purpose of clause 18. Clause 18 enables the trust, with the Minister's approval to grant technical or other assistance or advance moneys to Aborigines and persons of Aboriginal blood or recognized Aboriginal groups for such purposes in connection with trust lands as the trust thinks fit. There is a proviso that members of the trust cannot obtain assistance or grants nor can any of their relatives except with the Minister's consent. Clauses 19 and 20 deal with financial arrangements and annual audit of the trust's accounts by the Auditor-General.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

ADJOURNMENT.

At 3.59 p.m. the Council adjourned until Tuesday, August 16, at 2.15 p.m.