LEGISLATIVE COUNCIL

Thursday, November 10, 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, by message, intimated his assent to the following Bills:

Medical Practitioners Act Amendment,
Mines and Works Inspection Act Amendment,
Police Regulation Act Amendment,
Registration of Dogs Act Amendment,
Stamp Duties Act Amendment,
Underground Waters Preservation Act Amendment.

ROAD TRAFFIC ACT AMENDMENT BILL.

The Hon. S. C. BEVAN (Minister of Roads) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act, 1961-1966. Read a first time.

MENTAL HEALTH ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Mental Health Act, 1935-1965. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

Its purpose is to provide that the Director of Mental Health (under the new name of Director of Mental Health Services) be directly responsible to the Minister for his administration of the Mental Health Act. At present in his administration of the Mental Health Act he acts only as a delegate of the Director-General of Medical Services. This amendment is necessary because of the size and complexity of the Mental Health Services Division. As a consequential measure the formal provisions for the appointment of the Director-General of Medical Services are, with certain variations, transferred to the Hospitals Act. The amendments to the Mental Health Act are mainly of a formal nature.

Clause 3 replaces the definition of "Director-General" in section 4 of the principal Act with a definition of "Director". Clause 4 repeals and re-enacts section 5 of the principal Act. It provides for the appointment of the Director of Mental Health Services pursuant to the Public Service Act instead of a Director-General of Medical Services appointed by the Governor, as was the case under the principal Act. Clause 5 repeals section 6 of the principal Act relating to the term of office and the dismissal of the Director-General, the section now being unnecessary in view of the amendments contained in the other Bill. Clause 6 makes consequential amendments to section 7 of the principal Act. Clause 7 repeals section 11a of the principal Act providing for the appointment of the Director of Mental Health, as this provision has been replaced by section 5 as re-enacted.

Clause 8 deals with a totally different matter. The intention of section 37b of the principal Act was that intellectually retarded persons should not be admitted to a training centre on the recommendation of a doctor's certificate more than 10 days old. Owing to a clerical error, however, this section has completely the opposite meaning and clause 8 corrects this error. Clause 9 repeals section 165 of the principal Act. This is consequential to the deletion of all references to the Director-General from the principal Act. Clause 10 makes further consequential amendments by changing all references to "the Director-General" in the principal Act to "the Director".

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Health Act, 1935-1963. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

Its purpose is to amend the principal Act in two respects. The first of the two amendments is designed to provide that while gonorrhoea and syphilis remain "notifiable diseases" they will be reported only to the Central Board of Health directly by a medical practitioner, as is the case with tuberculosis. The reason for this is that it is considered undesirable for the names of the sufferers of these diseases to be supplied at meetings of local boards. The second amendment inserts a new part into the principal Act authorizing scientific research and studies to be carried on but ensuring that the information furnished for this purpose maintains its confidential nature.

I will now deal with the clauses individually. Clause 3 amends section 127 (1) of the principal Act and it exempts gonorrhoea and syphilis from the normal provisions concerning notifiable diseases. Clause 4 amends section 128 (1) of the principal Act and provides that, as

in the case of tuberculosis, any medical practitioner who attends a person suffering from gonorrhoea or syphilis must immediately report this fact to the Central Board of Health.

Clause 5 inserts a new Part IXC into the principal Act. Section 146r of this Part enables the Governor to make a proclamation authorizing a person to conduct scientific research for the purpose of reducing morbidity and mortality in the State. Section 146s enables the authorized person to obtain information and reports which deal with his research, but prevent him from using this information or these reports except in the conduct of his research. Evidence of such information or report is not to be admissible at any proceedings unless the Governor by Order in Council has approved of its admission. No person who has any information of this kind can be compelled to answer any question concerning that information as a witness in any action or proceeding.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

HOSPITALS ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Hospitals Act, 1934-1962. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

It is a necessary corollary to the exclusion under the Mental Health Act of the provisions relating to the appointment of the Director-General of Medical Services. Clause 4 provides for the removal of the provisions relating to the Director-General of Medical Services from the Mental Defectives Act to the Hospitals Act. Clause 5 inserts a new section 5a, subsection (1) providing for the appointment of the Director-General of Medical Services and the Deputy Director-General of Medical Services pursuant to the Public Service Act. At present the Director-General of Medical Services is appointed for a term of five years. Subsection (2) enables the Deputy Director-General to perform all the duties and functions of the Director-General in his absence. Subsection (3) is a transitional provision enabling the Director-General of Medical Services and his deputy to continue in office as if appointed under this clause. Subsection (4) is an interpretative provision.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

CAMBRAI AND SEDAN RAILWAY DISCONTINUANCE BILL.

Returned from the House of Assembly without amendment.

HARBORS ACT AMENDMENT BILL.

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

EDUCATION ACT AMENDMENT BILL.

Second reading.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I move:

That this Bill be now read a second time.

It contains various amending provisions, but its purpose is to amend the Education Act, 1915-1965, in three principal ways. These are:

(1) To amend the titles of office of senior positions in the Education Department by enabling the Governor to appoint a Director-General of Education, Deputy Director-General of Education and officers in charge of groups of schools (in the Act called "principal officers"), in lieu of the existing provisions under which the Governor appoints a Director of Education, Deputy Director of Education, superintendents of groups of schools and a registrar of the council.

(2) To enable the separate special promotion lists of male and female teachers to be combined into one special promotion list.

(3) To increase the penalty on the parent of a child who does not attend school.

I shall now deal with the amending clauses separately. Clause 3 inserts a definition of "principal officer" in section 4 of the principal Act. This definition is necessary because of, and is to be read in conjunction with, the amendment to subsection (1) of section 15 of the principal Act which is given in clause 4 (*a*). Clause 4 amends section 15 of the principal Act. Paragraph (*a*) enables the Governor to appoint a Director-General of Education, a Deputy Director-General of Education (under the present legislation these officers are known as "Director of Education" and "Deputy Director of Education"), officers-in-charge of groups of schools (under the present legislation called "superintendents", but in future to be known by such titles as may be determined), other officers as he thinks fit, and inspectors of schools. The effect of this amendment is really only the alteration of the titles

of the Director and the Deputy Director of Education and the enabling of the alteration of the titles of other senior officers of the department.

Paragraph (*b*) inserts a transitional provision to the effect that the present Director and Deputy Director of Education will continue in office under the titles of Director-General and Deputy Director-General of Education. Paragraph (*c*) is a consequential amendment, altering "superintendent" to "principal officer". The amendments in clause 5 are all consequential. Paragraph (*a*) strikes out subsection (1) of section 15a of the principal Act, which provides for the appointment of a Deputy Director of Education. This provision is now unnecessary, as the appointment of a Deputy Director-General of Education is provided for in the amendment to subsection (1) of section 15 of the principal Act. Paragraphs (*b*), (*c*), (*d*) and (*e*) provide for the striking out of "Director" and "Deputy Director" and for inserting "Director-General" and "Deputy Director-General" respectively in their stead. Clause 6 also contains a consequential amendment enabling "principal officer" or "principal officers" to be inserted in place of "superintendent" or "superintendents" respectively in subsection (2) of section 16 of the principal Act.

Clause 7 deals with the second of the principal amendments. It amends section 28zd of the principal Act by enabling a special promotion list consisting of the names of both male and female teachers to be compiled in connection with an appeal in respect of a special position. Under the existing provisions, when lists are being compiled with respect to an appeal for a special position, it is necessary for the names of male and female teachers to be on different lists. The amendment will facilitate the compilation of lists and thereby save time in determining appointments.

Clause 8 increases the penalty on a parent whose child does not attend school from a maximum of 50c to a maximum of $5 for the first offence and from a maximum of $4 to a maximum of $20 for a subsequent offence. The present penalties do not appear to have been altered since 1915 and the amending penalties, in view of the change in money values, will be a more realistic deterrent to the commission of this offence. Clause 9 is a general consequential amendment changing all references to "Director" in the principal Act to "Director-General". Clause 10 is a general provision bringing the Act into line with the introduction of decimal currency earlier this year.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 9. Page 2867.)

The Hon. G. J. GILFILLAN (Northern): This Bill is a further attempt to increase the succession duties paid by the people of this State. The very words "succession duties" and "estate duties" naturally concern most people, and this is a tax that is repugnant to most sections of the community. We find, however, that the attitude towards succession duties varies, and I think it could probably be put into three categories.

First, we have those people who are completely opposed to any form of succession duties, contending that the money accumulated by people through a life-time of work and thrift has already been taxed in various ways. Secondly, we have the people who believe there should be vicious and excessive succession duties. These people resent the fact that anyone by thrift and enterprise has accumulated money, and they believe that these people should not be allowed to retain this money and that anything they have accumulated should not pass to their descendants. The third category is of people who believe that fair and just succession duties are perhaps not unreasonable because various concessions in other laws have assisted people to accumulate assets. I think the majority of honourable members on this side of the Chamber belong to the latter category: they dislike succession duties in principle but at the same time accept a fair and just tax.

In this Bill, I believe the Government is stepping over the dividing line from a just tax into an area where the tax becomes vicious and discriminatory. We heard yesterday from the Hon. Mr. Banfield of the necessity to have more revenue because of the Government's present financial position. He said also that this Chamber had denied the Government $1,000,000 extra revenue last year because it had defeated the Bill introduced last session. I point out, however, that that Bill was defeated in February and that, if it had been passed, by the time it had started to take effect the financial year would have been almost completed.

I believe this Chamber and the taxpayers of this State have, from the substantial increases in taxation that have occurred during the last session and the present session of Parliament, recognized the Government's need for more money. We must realize that if the previous Government had carried on in office it would have met its obligations with very little, if any, increase in taxation. The present financial position of the existing Government, it must be admitted, is due largely to its own policy. The fact that we have had a considerable increase in revenue over the last 12 months yet still have a large deficit is due mainly to the policy of the Government in handling its domestic affairs and putting its declared policy into effect. The tragic thing is that in this State the very people who had hoped to benefit from these so-called handouts have found that the benefits have been more than offset by increased charges and expenses.

As a Bill, this measure has been cleverly drafted. It is designed to raise an extra $1,000,000 in revenue, but certain portions of it have been given a sugar coating to make the measure more palatable to the taxpayer. In the *Sunday Mail* of October 15 and in the *Advertiser* of October 17 appeared a comparative scale of charges under the existing Act and under the Bill in certain circumstances. At first sight, this would lead the public to believe that they were to receive considerable concessions under the Bill. However, on closer examination it is obvious that the concessions shown in the scale are there only because the scale has taken into account the most favourable formula under the Bill and ignored the most favourable formula under the existing Act.

It takes considerable examination to appreciate the full implications of the Bill, which completely changes the Act not only by increasing the charges but by practically re-writing the legislation. A closer examination of the measure shows, once one gets through the sugar coating, the real reason why this Bill will return an extra $1,000,000 in revenue. First of all, if we examine the concessions to the smaller estates and the full benefits available under the existing Act and those available under this Bill, we find that these extra concessions are very small, indeed negligible. When we look further we find there is a considerably increased charge on the medium estates. These, of necessity, must bear a large proportion of this extra $1,000,000 in revenue because of their very number. In South Australia, as the Treasurer himself has said, there are only 3 per cent of estates over $40,000, so it is obvious that the larger proportion of this burden must be borne by the medium estates.

We then turn to the large estates, where it has been said by the Government that the charges will be considerably increased. An examination of the schedule of charges reveals that this is true. Not only are the charges increased on the large estates but also the concessions are in some cases proportionately less. The question of large estates has been avoided in this debate. To a great extent, they provide employment in any State. The small and medium estates usually involve primary-producing land or a business where the farm or business is conducted by the family, but the large estates are the ones normally providing employment. I cannot agree entirely with the attitude so often taken by the Australian Labor Party that the large estate is detrimental to or is the enemy of the worker: we must look somewhere for somebody to provide employment. The Government since assuming office in March, 1965, has learnt some of these lessons to some extent, but I doubt whether the policy-making wing of the Party has come to appreciate these points.

During the debate on this Bill there have been various comparisons of the duty paid under the existing Act with that to be paid under this Bill, in certain circumstances. Because of the difference between the two measures in the formula and the concessions, it is easy to make out a favourable case for the Bill in certain circumstances or for the present Act in other circumstances; but we should, in comparing these two pieces of legislation, get back to the basic things contained in both.

I took out some figures that are a direct comparison of what is written into the Bill with what is already in the existing Act: this is not some theoretical estate. Under this Bill the maximum deduction for a widow, where $40,000 is not exceeded, is $20,500. In excess of this amount, of course, any tax is aggregated. Under the present Act (and there is no limit of $40,000 here) the maximum exemption obtainable under Form B and Form U is $18,000; so, when we talk about concessions to smaller estates under this Bill, it is obvious that under the present Act any estate up to $18,000 pays absolutely no tax, provided it was willed in a manner involving joint tenancy and/or insurance under Form U.

These have been described as loopholes by various speakers on the Government side: actually they are, of course, a normal legal procedure under the present Act. These points are well known to any lawyer or life assurance salesman. There is nothing hidden or complex about them.

However, when we come to children over 21 the maximum deduction obtainable for them under the Bill is $8,500, whereas under the present Act they can obtain $8,000. In the primary-producing field, including all deductions on an estate of $40,000, for a widow and children under 21, under this Bill, the maximum deduction is $26,500; under the present Act it is $21,000. But over 21 (and this is where the majority of inheritors come into the picture) under the Bill it is $20,500, and under the present Act $20,000. We must realize that the proportion of widows as inheritors is quite small, because most families comprise several children and in some cases the wife predeceases her husband. I cannot give the precise figure, but the proportion of widows has been estimated to be about 15 per cent. So the real impact comes on the descendants and it is obvious in this Bill that the concession to descendants is practically the same as under the existing Act, and to widows very little more.

However, when we come to the scale of actual charges, we find that the new scale of charges is very much higher and, when we take into account that the concessions are very little different, the steeply increased scale of charges will mean that there will be more succession duty collected; and this is where the question about where the extra $1,000,000 will come from is answered. Mr. President, I ask that paragraph (1) of the Second Schedule of the existing Act and the amending paragraph (1) of clause 37 be incorporated in *Hansard* without my reading them.

Leave granted.

TABLE UNDER THE EXISTING ACT.

Net present value of property derived or taken.	Amount of duty.
Not exceeding £4,500	Nil
£4,500-£20,000	15 per cent of the excess over £4,500
£20,000-£50,000	£2,325 plus 17½ per cent of the excess over £20,000
£50,000-£100,000	£7,575 plus 20 per cent of the excess over £50,000
£100,000-£200,000	£17,575 plus 22½ per cent of the excess over £100,000
£200,000 and over	£40,075 plus 25 per cent of the excess over £200,000

TABLE UNDER THE BILL.

Net present value of property derived or taken.	Amount of duty.
Not exceeding $20,000	15 per cent
$20,000-$40,000	$3,000 plus 17½ per cent of excess over $20,000
$40,000-$60,000	$6,500 plus 20 per cent of excess over $40,000
$60,000-$80,000	$10,500 plus 22½ per cent of excess over $60,000
$80,000-$100,000	$15,000 plus 25 per cent of excess over $80,000
$100,000-$120,000	$20,000 plus 27½ per cent of excess over $100,000
$120,000-$140,000	$25,500 plus 30 per cent of excess over $120,000
$140,000-$160,000	$31,500 plus 32½ per cent of excess over $140,000
$160,000-$180,000	$38,000 plus 35 per cent of excess over $160,000
$180,000-$200,000	$45,000 plus 37½ per cent of excess over $180,000
$200,000-$220,000	$52,500 plus 40 per cent of excess over $200,000
$220,000 and over	27½ per cent

The Hon. G. J. GILFILLAN: A perusal of these paragraphs shows a big difference. In the Bill in the $20,000 to $40,000 section the rate is 17½ per cent. This is an increase of 16½ per cent over the existing Act. Other figures are:

Amount. $	Increase in rate. Per cent.
40,000-60,000	14
60,000-80,000	28½
80,000-100,000	43
100,000-120,000	37½
120,000-140,000	50
140,000-160,000	62½
160,000-180,000	75
180,000-200,000	87½

Nobody can deny that the increases are steep, but we must also take into account that as the estates become larger so does the Commonwealth estate duty, which must be added. I do not think anybody will quarrel with the Bill where it increases exemptions to widows and children from $9,000 to $12,000, because that was part of the policy of the previous Government before the last election. I believe the raising of exemptions is eminently fair and probably does not go far enough. There has been a big change in money values since the existing schedule was first compiled. Probably $12,000 would not now buy as much as $9,000 did at that time. Because of that we have no quarrel with the increase in the minimum exemption.

The Government has only used this as bait to introduce a revenue increase. The Bill has many differences in it when examined in detail, and it is obvious that many of the concessions appearing on the surface do not exist. For instance, the method of computing the scale of charges, the aggregation of the amount for arriving at the scale of charges and deducting a percentage for the concessions afterwards, must mean an increase in the rates. For instance, an estate of $40,000 (which is a small estate when related to business or primary production) left to a widow or child under 21 years with a $20,000 deduction, by aggregating the whole amount to fix the rate it means that on the net $20,000 the widow or child would have to pay at the $40,000 rate. In itself, this is an unseen extra impost on the person concerned.

I doubt whether the Government fully realizes the impact these charges will make on the economy generally. I mentioned earlier that reliance is placed on some of the more prosperous estates and more progressive people to supply employment to many of our people. However, medium and smaller estates provide a large amount of our production, which keeps other people indirectly employed. Adding the charges to others that must fall on an estate, such as the payments to an executor company and the Commonwealth estate duty, it will be found that a very large sum must be paid.

I am afraid the people not directly associated with business or the land do not realize that it is not as simple a problem as it would be if dealing with money in the bank. It is almost impossible for a person on the land to sell portion of a farm and still retain a workable unit. Likewise, in business it would be completely impracticable for a businessman to sell, say, 25 to 30 per cent of his stock in order to meet succession duties, because he would then be placed at a disadvantage with his competitors through not having a sufficient range of stock. In fact, it would be possible for such a person to become bankrupt. I have knowledge of a case where that happened; charges on the estate were so large that the business could not keep sufficient stock in order to compete effectively with other businesses. Although it did not go insolvent that business had to close down.

The effect of the Bill in its present form could have the same result in a wide field. The existing Act brings in increased revenue every year because of the increased value of fixed assets. I point out that in the case of rural land and property the increase means a higher proportional increase in succession duties, because it brings an estate into a higher category.

However, value of production from those properties is not more than when the existing scale of charges was fixed. In many cases export prices for wool and wheat are much less; because of this some hardship is caused even under the existing Act, without there being further imposts purely as a revenue-raising measure. I am not at all impressed by the Government's plea that it must have more revenue, and I believe it should look first at its own housekeeping before making arbitrary charges such as this on the community. There is a wide range of increased taxation. We have been told about the bad season last year, but in many cases individuals had to carry the burden of the dry season from their own resources. However, they are now being expected to find extra money because of something beyond their control, namely, the over-spending that this Government has engaged in.

It is not ethically right for the Government to place such a charge as this on the community in order to further its own policy and to excuse any mismanagement that might have occurred in the handling of the State's finances. I shall await the Chief Secretary's reply before I commit myself regarding how I shall vote on the Bill. If he indicates, as he did in relation to the Bill for the introduction of the totalizator agency board system of betting, that the Government will not accept amendments that affect revenue, then I shall vote against the second reading. However, if the Bill is amended in Committee, I shall know the extent of the amendments and I shall then decide how to vote on the third reading.

The Hon. A. M. WHYTE secured the adjournment of the debate.

POLICE OFFENCES ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Police Offences Act, 1953-1961, as amended by the Statute Law Revision Act, 1965, to amend the Lottery and Gaming Act, 1936-1966, and for other purposes. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

Its principal object is to remove the loitering provision from the Lottery and Gaming Act and to make appropriate provision in its logical place, namely, the Police Offences Act, in lieu thereof. From time to time objections have been raised to the presence of the loitering section in the Lottery and Gaming Act, and, accordingly, clause 4 removes this provision from that Act. The present provision makes it possible for a police officer without cause to order a citizen going about his business with perfect propriety to move away from the place where he needs to be for that business and if the direction is not complied with an offence is committed. This provision is peculiar to South Australia and has produced much public protest and hostile comment from the bench. The only proper provision for police powers to interfere with the rights of a citizen to be in a public place is one based on probable cause objectively established.

In place of the repealed provision, clause 3 inserts a new subsection (2) into section 18 of the Police Offences Act. Section 18 of that Act now provides that a person who loiters in a public place and on request by a member of the police force does not give a satisfactory reason is to be guilty of an offence. Under this power a police officer has sufficient powers to deal with one or two people loitering improperly. He can demand of loiterers their reason for loitering, and if they have no proper reason, either arrest them there and then, or order them to cease loitering upon threat of arrest. Some provision is needed for groups of people and for crowd control when it is not feasible for a police officer to demand of all individuals concerned their reason for loitering. Under the Bill provision is made that where three or more persons are loitering in company in a public place in circumstances to lead a member of the police force reasonably to apprehend that an offence has been or may be committed, that a breach of the peace may occur, or that traffic is being obstructed, that member of the police force may order the persons or any of them to cease loitering and move on, under a penalty of $50 or imprisonment for three months.

The proposed new subsection (2) of section 18 differs, admittedly, from the section of the Lottery and Gaming Act that is being repealed. The Government believes that the subjective test in the Lottery and Gaming Act is not necessary. A police officer should be able to show reasonable cause for interfering with the normal liberty of the subject before ordering him to move on.

The main object of the Bill is to retain the principle of the liberty of the subject in the absence of special consideration. It is believed that the new subsection (2) of section 18, coupled with the existing provisions, will afford adequate protection to members of the public and at the same time provide the police force with adequate means to meet the exigencies of any situation in which they should properly take action against loiterers. The only other clause of the Bill is clause 5, which makes the necessary formal amendments to the principal Act following the adoption of decimal currency.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

PROHIBITION OF DISCRIMINATION BILL.

Adjourned debate on second reading.

(Continued from November 9. Page 2869.)

The Hon. C. M. HILL (Central No. 2): I support the Bill, but without any great enthusiasm, because one's vote against it could easily be misconstrued and misunderstood. I

question the need for legislation of this kind and feel justified in asking for evidence that actual cases have warranted the passing by the Legislature of a measure of this kind. We could be told the circumstances of happenings in this State that have given rise to the introduction of the Bill and we could be given particulars of the area concerned and of the offences without particular confidences being involved.

If that information is not given I think we are justified in suspecting that the measure is designed to get publicity for the Government and that it is a form of kite flying. I think that is the assumption that one may make if some evidence cannot be shown that there was a genuine need for this Bill to come before us.

In the Bill there is much to which one can take objection, and there is much to which one can take objection as a result of the machinery in the measure; for instance, in regard to clause 6, which deals with the letting of accommodation. I have had some experience in the letting of accommodation, and landlords or people acting for landlords naturally make their confidential inquiries about applicants for rental accommodation and they make those inquiries in good faith when they ask people about prospective tenants.

People who give references, whether good or bad, give them in confidence, but that type of confidence can be broken within the course of such a case as this. If such a case went into court, I think those who gave references would have to be called as witnesses and would be cross-examined as to the kind of references that they gave. What will this lead to? It will lead to anyone who is asked by a landlord for a reference regarding a person whose race, country of origin, or colour of skin may be different from that of the landlord never giving a bad reference, because people do not like being dragged into court and giving evidence, especially in cases of this kind.

So, it will be very difficult for any landlord or his agent to get a truthful reference on a person of this kind. It would be a reference that the person would make an ideal tenant, and when the references for all applicants for the accommodation were viewed together, it would mean that this particular person would be given the accommodation.

Yet, the whole decision by the landlord could be based on untruths, and this is the sort of thing that happens when legislation of this kind comes forward. I cannot help thinking of the person who may eventually be charged on an action of this kind, and even if the charge is not proved, I consider that, because of the publicity that will result from a case such as that, great harm could be done to that person in his ordinary everyday social life afterwards.

These are some of the consequences I fear can result from legislation of this kind. I take objection to the words "colour of skin" being written all through the Bill. I think that the reason of race and the reason of country of origin ought to be sufficient. I do not know exactly what is meant by "race" in this sense; apparently, it would be the ethnic origin of the particular person.

I cannot help getting back to the point that there is much kite flying being done, not only in the Bill but in the use of the words "colour of skin". I think perhaps the most objectionable point about the whole measure is that we, in South Australia, need this kind of legislation. It will be bad publicity in the eyes of those in other States and in other countries, because it will be thought that there was a need for this kind of legislation here, and that discrimination was a common practice, and had to be discontinued in South Australia.

This is a slur upon the South Australian people and the man in the street, and I think it is very unfortunate, to say the least, that we shall receive this kind of publicity when, in fact, I consider that South Australians are a very tolerant people toward those of other races and those who come from other countries.

As I said earlier, one finds it very hard to vote against the Bill. There may be some need for it, but it has not been shown, although I hope we shall hear some evidence that there have been cases and that a measure of this kind has been warranted and there is a need for us to consider and pass it. If I am informed of instances, of which I have no knowledge at the present time, then I shall be much happier about voting for the Bill on the second reading.

The Hon. M. B. DAWKINS (Midland): I rise with some diffidence to make some comments upon this Bill which has been brought before us, because I consider, along with the previous speaker, that the Bill is not necessary, and there is no evidence that has been presented for the need for it. I do not believe that South Australians are discriminatory, in the sense that we discriminate unfairly against our fellow men, and when it comes to discrimination, I notice that the Bill is for an

Act to prohibit discrimination against persons by reason of their race or colour. If we are going to have anti-discriminatory legislation, and if this Bill is necessary and the Government presents evidence that it is necessary, why do we stop at race and colour? Why do we not go a little further and consider, possibly, creed, membership of an association or a trade union, or provide that people who are not members of associations or trade unions shall not be discriminated against? I consider that, if there is any need of discriminatory legislation in South Australia, this latter method would be one of the first examples we could give where there was discrimination.

Passing to the clauses of the Bill, I notice that in clauses 3, 4, 5, 6, 7 and 8 the maximum penalty is $200. I would suggest that for these particular offences, which it is suggested might happen under this particular Bill, that is a very high maximum penalty. I notice in clause 4 that a person shall not refuse or fail on demand to supply a service to a person by reason only of his race or country of origin or the colour of his skin, and, as the Hon. Mr. Hill has said, we see the words "colour of skin" written throughout the Bill. Clause 2 provides that "service" means "the supply for reward of water, electricity, gas, transport" and other things. I believe these clauses are here largely as window dressing—that there is no real reason for them. In my experience, there is little or no evidence that can justify the bringing forward of this Bill. As the Hon. Mr. Hill has said, if there is evidence the Government should tell us about it, but so far it has not done so. Clause 7 provides:

A person shall not dismiss an employee or injure him in his employment or alter his position to his prejudice by reason only of his race or country of origin or the colour of his skin.

Or, may I suggest, "by reason of his not being a member of a trade union or association" could be added to the clause. If we are to have anti-discriminatory laws, let us say that we should not discriminate against the freedom of association and, if a person wishes not to be a member of an association, he should be treated in exactly the same way as those who do. I think it was the Hon. Mr. DeGaris who said that there was some specific clause in the Australian Workers Union Award with reference to Italians who may be shearers: there we have the possibility of some discrimination, which I understand may still obtain in Queensland.

I do not intend to discuss this legislation at length, but I agree with the Hon. Mr. Hill that it is kite flying and unnecessary. If we were asked "Do we in South Australia discriminate" in the sense of the discrimination mentioned in this Bill, I would say the answer was "No". In the absence of evidence (certainly of any evidence presented to this Chamber) of the need for legislation of this type, I suggest that the Government should withdraw this Bill and give its attention to more important matters.

The Hon. H. K. KEMP secured the adjournment of the debate.

NATIONAL PARKS BILL.

Adjourned debate on second reading.

(Continued from November 9. Page 2870.)

The Hon. JESSIE COOPER (Central No. 2): I rise to support this Bill and, in doing so, congratulate the Minister on having brought to fruition a Bill that has been contemplated and requested for so many years. We in South Australia have a vast State that we are developing. South Australians have done a magnificent job of clearing the land for pastures and in general turning the land into the type of place where people can live, where foodstuffs for the growing world population can be grown, where water can be conserved, and where cities can be built. We have, however, in the pioneering drive overlooked the necessity to make sufficient provision for natural reserves and playgrounds for people—for areas in which they may see nature as it has been for hundreds of thousands of years. There are insufficient areas put aside even for ordinary family picnicking, and there have been virtually no large areas set aside for the natural breeding and development of South Australia's rare fauna. We must act now to ensure that the world's drive for foodstuffs does not so completely change all of South Australia that it will be impossible to say, "Here is an area in which man can wander and observe nature in the way that it was when the white man first came."

The Bill before us proposes to establish what could become a first-class commission for running national parks and wild life reserves. Ideally this body could not only develop these types of activity in our own State but could also be a far-sighted organization to lead the State to a much greater appreciation of the requirements for people's natural playgrounds and parks and for the preservation of South Australia's rare heritage of fauna and flora.

The commission will require the services of a range of people varying from those who have a

scientific knowledge of conservation—the zoologist, the botanist, the forestry expert and the ecologist—to those with knowledge of road-making and maintenance, with knowledge of tourist requirements and with skill in and experience of fire fighting, to those who have veterinary knowledge. But, above all, the commission requires the services of people who not only have a wide knowledge but also have the interest of all the inhabitants of South Australia at heart. Once the commission is made up of such men and women of foresight and enthusiasm for their task, then the Government will have to find ample funds to allow the commission to do all the things that have been necessary for so long. Success or failure of the commission will depend on the funds available and on the goodwill of the people, which I am sure the commission will have.

The Bill also introduces a principle that has been requested for a long time—namely, that national parks may be reverted to other uses only by the agreement of both Houses of Parliament. That appears in clause 22, which provides:

Where a resolution is passed by each House of Parliament, notice of which resolution having been given in each House at least fourteen sitting days before the resolution is passed by such House, that any land delineated in any plan referred to therein which is a national park or a part thereof shall cease to be a national park or a part thereof, as the case may require—

(*a*) such resolution shall have effect according to the tenor thereof;

and

(*b*) the land may be disposed of as provided by section 262a of the Crown Lands Act and the provisions of that section shall apply and have effect as if the land had been acquired as mentioned in that section.

This is an innovation in South Australia, in so far as in the past it would have been possible to have such lands revert without reference to the people or to Parliament.

The commission, as I visualize its duties, will not only be involved in keeping national parks in order, suppressing bush fires and providing cricket pitches and tennis courts (which seem to be the current requirements) but will also be involved in ensuring that places are provided where our numerous types of birds may breed, be they parrots or pelicans, ducks or penguins, where a few of our rare fur-seals may be protected, and where some of our rare wallabies and ground parrots may thrive and re-establish themselves. In other words, the duties of the commission, broadly speaking, are twofold—to care for national parks, which are to be recreational space such as National Park, Belair, and to establish wild life reserves.

But, of course, the whole concept of establishing national parks and wild life reserves goes much further even than this—not only must we have sanctuaries for our fauna and flora but we must do something to preserve people's rights to visit and enjoy such areas as our Murray River, an area where the necessity for development has wiped out much of the natural life that once lived on its banks, and where much of what is left of natural life is being driven away and even destroyed by the thoughtless and flamboyant exhibitionism of a small minority of power boat owners. Again, the problem of the alienation of the people's rights of access to the river must sooner or later be faced. Already there are hundreds of miles of waterfront where the people of South Australia do not possess the right even to walk. It is surely unnecessary that access to the river within 100 miles of Adelaide should be denied so extensively, as it is at present.

The need for our people to get away from urban life is becoming every day more urgent. I would not be foolish enough to suggest that a few days in the country could possibly undo the disastrous effects of modern living for the rest of the year, but there is no question that all honourable members should give some thought to this problem. Instead of being extremely healthy with the coming of modern medicine and the help given in so many medical fields, in point of fact our community is proving to be subject to many neurological ills, induced by stress and strain as well as by the poison we are eating continually ever since the introduction of insecticides, detergents and anti-biotics as part and parcel of our way of life.

In August of this year the Australian Institute of Park Administration held a conference in Sydney. The President of the institute, Mr. T. R. N. Lothian (whom honourable members know) during his presidential address made these points:

It is a challenge to ensure that we have sports arenas superbly equipped for playing and watching, but that they are places of grace and symmetry. Recreation includes more than mere sport: for the aged, places of quiet and beauty; for public functions, parks, zoos, botanic gardens, commemorative gardens, national parks.

He added:

The advances we make in recreation are significant because they reflect our progress as a community.

Also in August of this year a meeting of the Commonwealth Council for National Fitness was held. The National Fitness Council of South Australia (of which I have the honour to be a member) put forward several matters worthy of consideration concerning the relation between the national parks and national fitness. The questions were: (1) Is recreation as much a part of modern society as employment? (2) What will be the result of Australian population movement by the year 2000? (3) What statistics are available as a basis for comparison of park use 10 years from now?

The National Fitness Council of South Australia made surveys in 1960 and 1966 of sports participation in metropolitan Adelaide, and these surveys show that in those six years there has been an overall increase of some 55 per cent in the number of people taking part regularly in organized sport, which does not include organized sport in schools. It is obvious, therefore, that there is an increasing need for more space for sporting and recreational activities. That is one matter.

The other matter is, of course, conservation, by which I mean much more than protection of birds, butterflies and wild flowers. One cannot talk about conservation unless one understands ecology, which is the relationship of plants and animals (including man) to their environment and to one another. Man cannot any longer destroy his natural environment. The science of ecology (which is really the branch of biology dealing with the habits of living organisms and the relationship of those organisms to their surroundings) shows that we must understand the interaction of all living things in our environment, remembering always that the very soil is not inert but is full of minute living creatures and plants on which we depend. Honourable members may have heard Professor Julian Huxley when he was here some years ago delivering a lecture in the Bonython Hall on the world population problems. He prophesied that by the year 2020 we would not be able to stand up on the earth at all, let alone lie down. He said of ecology:

Ecology in the service of man cannot be merely quantitative or arithmetical; it has to deal with total situations and must think in terms of quality as well as of quantity.

This is the important thing for us to appreciate, I think:

One conflict is between the present and the future, between immediate and partial interests and the continuing interests of the entire human species. Accordingly, ecology must aim not only at optimum use but also at optimum conservation of resources. Furthermore, these resources include enjoyment resources like scenery and solitude, beauty and interest, as well as material resources like food and minerals; and against the interest of food production we have to balance other interests like human health, watershed protection and recreation.

Every State of Australia needs an active conservation policy. When a Government acts in this matter, it is surely a sign that the State is growing up, but it is not only at Government level that the matter should be given consideration. It is the duty of the individual to learn and study the concept of conservation.

Most Australians are becoming aware of their duty in this matter of handing on our heritage to future generations. An interesting sidelight has been the amazing public response to a documentary film shown recently on television called *We the Destroyers,* and repeated by public demand. It is a film of the greatest delicacy and sympathetic understanding of all living things, and of age-old wisdom. I hope that all honourable members have seen or will see it.

There are plenty of areas in South Australia that have a natural glory about them and can give delight to those who are prepared to visit them, areas which at the present moment are not in any sense protected from despoliation. I am thinking of some parts of the Flinders Ranges, some areas adjacent to our inland waterways, and some of our coastal areas that should be retained in their present state and should be protected from the bulldozer and the fire-bug. I am not a person who believes that every great natural feature should be cut up and mangled by bitumen roads, tourist coaches, kiosks, barbecues, and advertisements for camera films or icecream.

There should be preserved for the people of the land and those prepared to enjoy it natural bushland for those wishing to study it in its natural state and willing to make a little personal exertion or to get on a horse. There is nothing more horrible than the concept of our Flinders Ranges or any other area of the State being opened up and equipped with what the average Tourist Bureau looks upon as tourist facilities. With that one minor warning, I have much pleasure in supporting this Bill.

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

ABORIGINAL LANDS TRUST BILL.

In Committee.

(Continued from November 9. Page 2870.)

Clause 16—"Power to transfer lands to trust."

The Hon. Sir ARTHUR RYMILL: I move:

To delete "other" in subclause (1).

This is a technical amendment suggested by the Parliamentary Draftsman and I do not think it needs any explanation. The draftsman thought on reflection that the wording would be improved by the omission of this word, and the Select Committee agreed with him.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

After "council" second appearing to insert "Provided further that no such proclamation shall be made in respect of the North-West Reserve (referred to in subsection (6) of this section) until such a reserve council for that reserve has been constituted and such council has consented to the making of such a proclamation."

This is a recommendation from the Select Committee. It was not a unanimous recommendation, as honourable members will see if they refer to the report, but it was a decision of the majority of the committee. We found there were a number of matters on which we might have had some knowledge previously, but as the committee proceeded our knowledge became greater and more pin-pointed. A major matter that emerged from the investigation by the committee was the difference that existed between Aborigines of the North-West Reserve and other Aborigines in the State, such as half-castes, quadroons, octoroons and so on.

Not once but on many occasions witnesses suggested that a line could be drawn roughly across the top of the gulf at Port Augusta, because a vast difference existed between Aborigines north of that line and those living south of it. The effect of this Bill would be, if the North-West Reserve were proclaimed and came under the Aboriginal Lands Trust (which I think is probably the intention of the Bill) to place the tribal natives of the North-West Reserve under the aegis of the full-bloods (and there is not a great number of them), half-castes, quadroons and octoroons of the south instead of under the control or custody or aegis of the present authority.

Although we know that many of the people in the southern part are highly cultured and well-educated, I doubt whether they have the same knowledge or access to knowledge as the people who are at present looking after the people in the North-West Reserve. The effect of the Bill as drawn would be to remove some of the tribal or semi-tribal Aborigines of the North-West Reserve from the present control to control by those I have mentioned in the south.

I would like to read portion of the evidence given before the Select Committee covering certain questions that I asked and answers that were given by one witness, Mr. Evans. I commence at page 93 of the evidence (Question 415):

Q. In other words, they are practically a race apart these days?—A. Yes.

I would also like to read portion of the evidence preceding that question and answer, commencing at Question 410 (I am asking the questions):

Q. Would any of these tribal people be capable of serving on the trust envisaged by this Bill, in your opinion?—A. No.

Q. The point you made was that the southerners were a different race and, unless they had lived on the North-West Reserve, would not have a clue about the nature of life there?—A. Yes. I assume that most of the natives in the south here are educated to some degree and that they live more or less as whites. These North-West Reserve people are so far removed from that that a comparison cannot be made.

Q. In other words, the trust would have to be composed of the people we call the southern people?—A. Yes.

Q. If no tribals were capable of serving, it would have to be totally composed of southerners?—A. Yes.

Q. They just would not know the problems involved with the North-West Reserve?—A. Unless they had lived there for some time, but from my experience such people, some of whom are skilled, admit that they do not understand the people on the reserve.

Other evidence of that kind was given, but I think the evidence was conclusive, and I am sure every member of the committee accepted it, even though some of us may have placed a different interpretation on it.

The Hon. A. J. Shard: I think the honourable member should correct the first part about the Committee not being unanimous on this amendment.

The Hon. Sir ARTHUR RYMILL: I am sorry; my recollection was wrong and I do correct it. I think the points are worth making and I do not apologize for the length of time I have occupied in dealing with this subject, because I consider it a vital part of the Bill. I believe honourable members should understand the difference between the Aborigines of the North-West Reserve and those in the rest of the State.

The Hon. A. J. Shard: To help the honourable member, the Government opposes the portion added at the end.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

At the end of subclause (1) to insert, "and the recommendation of both Houses of

Parliament by resolution passed during the same or different sessions of the same Parliament."

I think the effect of the amendment is clear to honourable members. At present, any Crown lands being Aboriginal reserves may be proclaimed as part of the lands belonging to the proposed trust, and any Crown lands that are not reserved for Aborigines, on the recommendation of the Minister of Lands or of the Minister of Irrigation, as the case may require, may be proclaimed to belong to the trust.

This means that, as the Bill is at present drawn, any Crown lands in the State may, on the recommendation of the appropriate Minister, be proclaimed by the Government of the day as going to the trust, without any Parliamentary supervision whatsoever. The opinion of the majority of the committee was that this matter should be under the control of Parliament. Those members of the committee that voted for the insertion of these words (and they comprised the majority of the committee) considered that it was not appropriate for any Crown lands to be given, in effect, to any section of the community without the supervision of Parliament.

The committee recommended that, instead of the Government of the day having power to give any Crown lands to the trust, there be power to give other lands to the trust provided both Houses of Parliament, in the same or different sessions, agree.

The Hon. S. C. Bevan: That would mean that we would not be able to extend any present reserve until we got the consent of both Houses.

The Hon. Sir ARTHUR RYMILL: I think it is important to draw attention to the fact that this Bill runs alongside or parallel to existing legislation regarding Aborigines and is not in substitution for that legislation. Therefore, nothing in this measure takes anything away from that legislation, except where there is provision for it to do so. Existing reserves can be proclaimed by the Government as being transferred to the trust, except the North-West Reserve, assuming the amendment becomes law, but no other Crown lands can be transferred.

The Minister of Local Government interjected, as I understood him, that this would prohibit the extension of existing reserves. This would not interfere with any present power to extend reserves. I do not know the extent of the present powers, because it was not our job to examine that aspect. As the Hon. Mr. DeGaris has said, this Bill does not have any effect on that at all, and this would mean that no lands could be transferred to the trust without the consent of both Houses of Parliament. It may well be that existing reserves can be extended. I do not know what the power may be. The Minister might have put his finger on a point that escaped the Select Committee, because one way of getting past this Bill might be, if there is power, to extend the existing reserves and then transfer them to the trust. It may be that we should consider that matter. In view of the Minister's interjection, I suggest that progress be reported so that we can further examine the interesting remark he made.

The Hon. A. J. SHARD (Chief Secretary): I do not know where we are getting to. There is a difference of opinion and, from the Government's point of view, it would not matter whether what the Minister of Local Government said was true or not. The Government is concerned about the words proposed to be inserted at the end of the subclause. We oppose that amendment and I do not feel inclined to ask that progress be reported. I do not think the point raised has any bearing on our objection. We think this is an innovation that restricts the Government, and that it is a dangerous precedent. If the provision were included, it would be necessary to get the consent of both Houses of Parliament, regardless of the importance of the matter being dealt with. If any Government does something that is radically wrong, it will not be in power for long, and I think that it is quite unnecessary to take this power from the Government and the Minister. The question is whether the Committee wants to place this restriction on Governments. I think it is a bad restriction and I ask the Committee to reject the amendment.

The Hon. Sir ARTHUR RYMILL: There is a vast difference between the Government's having power to reserve Crown lands for Aborigines and its having power to give those lands to the people of the State. I thank the Minister of Local Government for his interjection. Although he was not a member of the committee, he seems to have put his finger on a point that escaped me.

The Hon. C. R. Story: He is a very smart Minister.

The Hon. Sir ARTHUR RYMILL: Yes. Section 18 of the Aboriginal Affairs Act of 1962 provides:

The Governor may by proclamation—

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

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

The proviso says that no such proclamation shall be made in respect of any Crown land not being land reserved for Aborigines. As the present amendment goes beyond this, I move:

To insert after the word "lands" in the last proviso the word "now".

I believe I may have gone past this.

The CHAIRMAN: You are not past that yet.

The Hon. A. J. SHARD: The honourable member has passed it. The amendment the honourable member wishes to make comes before his previous amendment.

The Hon. Sir ARTHUR RYMILL: I ask leave to temporarily withdraw that amendment. As it has not been put, I think that is permissible?

The CHAIRMAN: Yes.

Leave granted; amendment temporarily withdrawn.

The Hon. Sir ARTHUR RYMILL: I now move:

To insert after "lands" the words "at the time of the passing of this Act".

The Committee divided on the amendment:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, F. J. Potter, C. D. Rowe, Sir Arthur Rymill (teller), C. R. Story, and A. M. Whyte.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Amendment thus carried.

The Hon. Sir ARTHUR RYMILL: I move:

To insert at the end of the subclause the words "and the recommendation of both Houses of Parliament by resolution passed during the same or different sessions of the same Parliament".

I have already explained that the object of this amendment is to make the matter of the transfer of Crown lands to the trust, other than the Crown lands at present reserved for Aborigines, subject to the control of Parliament.

The Hon. R. C. DeGARIS: I support the amendment. I was rather surprised at the statement made by the Chief Secretary when he said that this was taking away the power of a Minister, and he said it was wrong to do so.

The Hon. A. J. Shard: You should stick to the truth on that. I said the "Minister and the Government". The Minister and the Government are different.

The Hon. R. C. DeGARIS: I think that if the Chief Secretary looks at the *Hansard* report he will find he said "the Minister".

The Hon. A. J. SHARD: I rise on a point of order. I said "the Minister and the Government". I am getting a bit sick of this sort of thing. That is what I said, and I do not wish people to misconstrue what I have said. I do not back away from it; I said it and I take exception to the honourable member's attitude.

The Hon. R. C. DeGARIS: The statement was made, but I will accept that the Chief Secretary said "the Minister and the Government." I do not know that this is in essence the function of the Government or of the Minister. Our Standing Orders are quite clear on this; indeed, there is an obligation to refer to a Select Committee the transfer of any Crown lands to any corporation, person, or district council. Rather than say we are taking away the power from a Minister and the Government, I consider we are taking away a power by not including the amendment—a power that rightly belongs to Parliament. This matter should be decided by Parliament, not by the Government or a Minister. Therefore, I support the amendment.

The Hon. S. C. BEVAN (Minister of Local Government): I oppose the amendment, and draw the attention of honourable members to the first words of the clause "Notwithstanding anything in the Aboriginal Affairs Act, 1962, or any other Act contained". The boundaries of the North-West Reserve will have to be extended soon, but the words already put into this clause will debar the Government from extending them. This has always been done by proclamation. During the previous Government's term of office, whenever it was said that certain things should be done by regulation rather than by proclamation, the attitude of members opposite was different from what it is now. The Government has to have power to proclaim certain things or it will not be able to function.

I ask honourable members to forget under whose administration the Act will come; the Minister of Lands or the Minister of Agriculture will first have to agree to the addition of any Crown land to a reserve, or to the creation of a new reserve. This matter would be dealt with by Cabinet before any proclamation was recommended. Parliament may be in recess for six months, during which time it may be necessary for an urgent proclamation to be made, but nothing could be done

until both Houses dealt with the matter. Also, if a proclamation had been approved by one House, the other Chamber could delay it. A Minister is answerable to Parliament and, if he does not do the right thing, it is not long before the matter is corrected. This amendment gets away from the principle that has always been adopted in relation to proclamations. Something will have to be done to extend reserves soon, and I hope that honourable members will rely on the good sense of the Minister concerned and Cabinet.

The Hon. Sir LYELL McEWIN: I think the Minister is arguing on wrong premises. He refers to what can be done at present and what Ministers have done in the past, but that has been in different circumstances. There has not been the power to dispose of Crown land at the whim and fancy of a Minister, but that power will be here if we approve the power to make proclamations. I take it that the intention is that in future the land will be under the control of the Aboriginal Lands Trust. What position would we be in if the Minister could make proclamations to give Crown lands away? Standing Orders provide that a Bill that gives away Crown property is a hybrid Bill and must be referred to a Select Committee: that is why this Bill went to a Select Committee. All this talk about delay is humbug, and it is misleading to the public. I support the amendment, because it will maintain the *status quo* relating to the disposal of Crown lands.

The Hon. Sir ARTHUR RYMILL: I thank the Minister for putting his finger on a very tender spot that apparently we missed. It appears from his later remarks that it may have been more by luck than good shooting. I think the Minister is confusing the two Acts—the Aboriginal Affairs Act, 1962, and the Aboriginal Lands Trust Act, 1966—which will run concurrently. Section 18 of the Aboriginal Affairs Act, 1962, states:

> The Governor may by proclamation—
> (*a*) declare any Crown lands to be reserved for Aborigines;
> (*b*) alter the boundaries of any reserve;
> (*c*) with the consent of the owner declare any other lands to be a reserve for Aborigines.

That remains unimpaired by this Bill; this has no reference to that Act at all. This Bill is for the purpose of transferring reserves and other Crown lands to a trust. The Hon. Sir Lyell McEwin was perfectly correct in what he said. On the one hand, we have the Aboriginal Affairs Act under which reserves may be proclaimed or extended by proclamation; on the other hand, under this Bill we have power for existing reserves to be given to a trust and, assuming these amendments go through, subject to the consent of Parliament, other Crown lands to be given to the trust.

The Minister wants it that, instead of any other Crown lands not being Aboriginal reserves being given to the trust, subject to the discretion of Parliament, the Government of the day should be able to give away these Crown lands. I know of no legislation on our Statute Book that takes the right from Parliament to give away Crown lands; I know of no provision in any Statute whereby any Crown lands can be given away without the consent of Parliament.

The Committee divided on the amendment:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, F. J. Potter, C. D. Rowe, Sir Arthur Rymill (teller), C. R. Story, and A. M. Whyte.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Amendment thus carried.

The Hon. Sir LYELL McEWIN: There are a number of recommended amendments made by the Select Committee, which have been discussed between the Minister and myself. I think there is only one major amendment remaining that the Minister will probably oppose. So, to save time, I move:

That the remainder of the Select Committee's recommendations for amendments to the Bill be adopted, except as regards clause 16 (2).

Motion carried.

The Hon. **Sir LYELL McEWIN moved:**

In clause 16 (2) to strike out "(Subject to subsection (5) of this section)", to strike out "(together with all metals, minerals and precious stones, coal, salt, gypsum, shale, oil and natural gas therein or thereon)", and to strike out all words after "Trust" first occurring; and at the end of the subclause to insert "except and reserved unto Her Majesty, Her heirs and successors, all gold, silver, copper, tin and other metals, ore, minerals and other substances containing metal and all gems and precious stones, coal and mineral oil in and upon any such lands".

The Hon. D. H. L. BANFIELD: I oppose these amendments of the Select Committee, because they cut right across the Bill and, in fact, destroy one of its main provisions. At the time the Province of South Australia was formed a guarantee was given that the Aboriginal people would not be

deprived of their lands. The original letters patent establishing the Province are reprinted on pages 830-31 of volume 8 of the Statutes, and contain 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.

It is true that we cannot do much for the inhabitants here at the time of the founding of the Province, but the letters patent are still there for their descendants. At the time of the founding, rights to land included rights to minerals under that land. The grants to the South Australian Company included rights to minerals. The position is that, while those people at present have the rights to the minerals, under this Bill those same rights would be given to the Aboriginal people. As it was clearly the intention at that time of the founding of the Province to guarantee land and the minerals under it to the Aborigines and their descendants, how can we 100 years later, when we are attempting to do something for the Aborigines, deprive them of their rights to the minerals, which, had the letters patent been carried out, they would have been enjoying for these last 100 years?

We know that the main cause of the distrust, resentment and hostility of Aborigines has been that they have been deprived of mineral rights when dealing with Crown land reserves. The history of Yirrkalla, which was bitterly debated in the Commonwealth Parliament, and the history of Weipa in Queensland and of the nickel leases near our own border in Western Australia should give members cause to stop and think before they accept this amendment. Evidence was submitted to the Select Committee by Sir John Cleland and, although he suggested that the whole Bill should be withdrawn, he was asked a question as follows:

If minerals were found on the North-West Reserve, do you think Aborigines should benefit from the royalties?

He replied:

Not individually, but perhaps as a reduction in the expense of looking after them. If Aborigines found the minerals a reason may exist for their receiving royalties but, personally, I do not see why the owners of land should benefit from mineral rights. Nowadays the State does not allow mineral rights to go with the property.

It can be seen that, even though Sir John Cleland believed that the Bill should be withdrawn entirely—

The Hon. Sir Lyell McEwin: The Minister was not very complementary to him, was he?

The Hon. D. H. L. BANFIELD: No, but Sir John obviously wanted two bob each way. First he wanted the Bill withdrawn entirely and could see no benefit being derived from it, but he could also see that there could be a reason, if the Aborigines found minerals, that they should be entitled—

The Hon. R. C. DeGaris: Is that not so at the present time?

The Hon. D. H. L. BANFIELD: No, because under this Bill that right is being taken away from them, because the amendment states:

. . . except and reserved unto Her Majesty, Her heirs and successors, all gold, silver, copper, tin and other metals, ore minerals and other substances containing metal and all gems and precious stones, coal and mineral oil in and upon any such lands.

Therefore, they have not any rights to the minerals. Sir John Cleland believes that in certain circumstances perhaps they should have such rights. It is not my intention to take words out of context and, as a result of the interjection by the Hon. Sir Lyell McEwin, I shall read the entire answer so that there will be no misunderstanding of what Sir John said. The question and answer reads:

If minerals were found on the North-West Reserve, do you think Aborigines should benefit from the royalties? — — — Not individually, but perhaps as a reduction in the expense of looking after them.

The Hon. Sir Arthur Rymill: That is the power we propose to give the Government.

The Hon. D. H. L. BANFIELD: They would already have the power to cut down expenses. If they are given the royalties, expenses as far as the Government is concerned could be cut down without any amendment, but at least they would be entitled to the royalties. The only power being given to the Treasurer is in the proposed amendment to subclause (4), which reads:

The Treasurer may from time to time pay to the trust out of royalties paid to the Crown or a Minister of the Crown in respect of any lease or licence granted or issued under the Mining Act, 1930-1962, or the Mining (Petroleum) Act, 1940-1963, in respect of any lands vested in the trust, such amounts as may be appropriated by Parliament for the purpose.

In fact, nothing may be appropriated. If this amendment is carried not one cent of royalties

need be paid to the Aborigines. They may, if they so desire.

The Hon. Sir Arthur Rymill: That is right.

The Hon. D. H. L. BANFIELD: But if they do not so desire—and Governments have given little to the Aborigines over the last 100 years, and they may even give little more for the next 100 years, because the suggested amendment states:

They may appropriate such amounts as may be appropriated by Parliament for the purpose.

It is clear that not even half the royalties would have to be given; not even a quarter, or even a brass razoo! Plenty of other things could have been done to encourage the Aborigines to do certain things, but this has never been the case and it is possible that future Governments will not be encouraged sufficiently to appropriate any further money from royalties that they may receive.

The Hon. R. C. DeGaris: Did the honourable member say that "empower" is used?

The Hon. D. H. L. BANFIELD: It does not say that. I have read the amendment. I will not be put off the track. Although Sir John Cleland believed the Bill should be withdrawn, he also considered that a reason might exist for Aborigines to receive royalties, not individually perhaps, but, as he said, as a "reduction in the expense of looking after them".

The Hon. R. C. DeGaris: Does the honourable member think that Sir John Cleland is eccentric?

The Hon. A. J. SHARD: On a point of order, Mr. Chairman, I take the point that that question was answered yesterday. I do not think the honourable member is playing politics fairly by bringing that up as an interjection.

The CHAIRMAN: I was only listening to the Hon. Mr. Banfield.

The Hon. A. J. Shard: You want to listen to both sides.

The CHAIRMAN: Order! I object to the Hon. the Chief Secretary's remark.

The Hon. A. J. Shard: It is becoming a habit that members of the Opposition may say what they like but when members of the Government side raise a point we are told that you have heard only one side. I take exception to that, but if I have offended you, Sir, then I withdraw.

The CHAIRMAN: I accept that. The Hon. Mr. Banfield.

The Hon. D. H. L. BANFIELD: Thank you, Mr. Chairman, and thank you, Mr. Chief Secretary, for looking after my interests. I agree with the Minister that the interjection was not called for. We have been trying to keep away from personalities. Sir John Cleland gave evidence, and the honourable member making the interjection was present and well able to see the way in which Sir John presented his evidence. If I thought that that evidence was not worthwhile I would not have quoted what Sir John said. I think that clearly answers the interjection.

Sir John told us that, when he was Deputy Chairman of the Aborigines Board, the board thought that it would be very nice if minerals were found and they thought the money coming in as a result might mean a big saving in the big expense incurred. Following that thought, he had inquiries made as to the mineral rights. The reply received from the Crown Law Department was that in the Aboriginal reserves the occupancy by the natives was on the surface only and did not extend to mineral rights. He went on to say:

This finding, which should have been known to the Aborigines Department, would have prevented the department from being shocked to find that they did not have these rights.

From that statement it is not hard to imagine what the reaction amongst the Aborigines must have been when they were told of the finding. It must be assumed that they believed, as did the department, that reserves and the mineral rights were theirs. So we can imagine the reaction amongst members of the board and amongst the Aborigines themselves when they found that those rights did not exist. At page 73 of the evidence taken before the Select Committee, Professor Abbie, although he said that he might be a little biased, said he thought that all persons, including Aborigines, should be entitled to the mineral rights on their properties. These witnesses appeared before the committee, and it was believed that they were expert witnesses. We should heed what they said and reject the amendment.

The Committee divided on the amendments:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), F. J. Potter, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Amendments thus carried; clause as amended passed.

Remaining clauses (17 to 20) and title passed.

Bill reported with amendments. Committee's report adopted.

The Hon A. J. SHARD (Chief Secretary) moved:

That this Bill be now read a third time.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): This is the one remaining opportunity for members to speak on this Bill. It has, of course, been the subject of an inquiry by a Select Committee for some weeks, which entailed much work. A number of witnesses were examined and, of course, that involved considerable clerical work. I am sorry I did not mention this to the Minister, but I know it is something on which we would have been unanimous, and that is the work that was done by Mr. Merton as Secretary of the Select Committee. The minutes of proceedings were kept up to date and in a matter of hours our files were complete. I am sure Mr. Merton's work was appreciated by the members of the committee. I think the good job done by the reporters in connection with the evidence given to the committee deserves an expression of appreciation.

Bill read a third time and passed.

ADJOURNMENT.

At 5.11 p.m. the Council adjourned until Tuesday, November 15, at 2.15 p.m.