# LEGISLATIVE COUNCIL

Wednesday, September 23, 1970

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

## QUESTIONS

### POLICE PENSION FUND

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to asking a question of the Minister of Lands, the Acting Leader of the Government in this Chamber.

Leave granted.

The Hon. R. C. DeGARIS: Some time ago there was an investigation of the Police Pension Fund and a report was made to the Government. The recommendations made were not acceptable to the Police Association. A further investigation was ordered. Has any report been made to the Government on the further investigation of the Police Pension Fund?

The Hon. A. F. KNEEBONE: I am not aware of any report, but that stems from the fact that I have been acting as Chief Secretary for only the last couple of days. However, I will make inquiries and bring back a reply for the honourable member as soon as possible.

### WEEDS

The Hon. H. K. KEMP: My question is directed to the Minister of Agriculture. Will he draw the attention of the Weeds Officer of the Agriculture Department to the presence of a weed known as three-corner garlic on the Greenhill Road at the Needles, shortly below the stone wall that guards the steep fall-down to the old quarry? This three-corner garlic is so abundant that, if it is not controlled, it will rapidly infest Waterfall Gully. The kikuyu grass should be brought under control at the same time because, if it escapes into the inaccessible country there, high costs will be involved.

The Hon. T. M. CASEY: I shall be pleased to do that for the honourable member.

### WHEAT QUOTAS

The Hon. A. M. WHYTE: I ask leave to make a short statement before directing a question to the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: Concern has been expressed to me that there is a move afoot to repudiate section 49 of the Wheat Quotas Act, which deals with shortfalls. There are many farmers throughout South Australia who depend very much on their ability to recoup their losses during the meagre years in those years when they have bountiful crops. If they could not do this, it would virtually put them out of business. This may possibly be a rumour without foundation. I do not wish the Minister to act if this is a rumour without substance, but will he take every opportunity to defend the rights of those farmers who depend for their living upon shortfalls in the lean years being made good in the good years?

The Hon. T. M. CASEY: I shall be happy to take up this matter. I point out to the honourable member (and no doubt he is aware of this) that this is, and always has been, a matter that the committee controls. Also, it is the Commonwealth Government's policy (and it has happened in the last two years when some States have had shortfalls in their quotas that there has been a direction from the Australian Wheatgrowers Federation) that they shall not be made up in the succeeding years. How this applies to individual quotas in the State remains to be seen, but as the matter has been rumoured I will inquire into it for the honourable member.

### MOTOR VEHICLE INSURANCE

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister in charge of the Prices Branch.

Leave granted.

The Hon. R. A. GEDDES: In this morning's press it was announced that there is to be an increase in motor vehicle insurance charges. Will the Minister ask his colleague to request the Prices Commissioner to ascertain whether these increases are warranted?

The Hon. A. F. KNEEBONE: I will ask my colleague to ascertain what can be done.

### ABATTOIRS BOARD

The Hon. L. R. HART: On Tuesday, September 15, I asked the Minister of Agriculture a question concerning the possibility of the Metropolitan and Export Abattoirs Board's having to increase its killing charges to meet extra costs that will be incurred by the award of service pay to its employees. Can the Minister make a statement concerning this matter?

The Hon. T. M. CASEY: No, not at present. However, I hope to be able to have this information for the honourable member tomorrow.

## PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 16. Page 1375.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I oppose the Bill. In the second reading explanation the only reason given for altering the amount of $200,000, which the Government can spend on certain work without reference to the Public Works Committee, to $400,000 is the depreciation of the value of money. If this is a valid reason (and I doubt that—I do not think that this is a reason that should be applied in this case), then the proposed increase in the amount to $400,000 is not consistent. If one considers the matter one will find that in the history of the Public Works Committee the original limit was £30,000, or $60,000, which continued until 1955, when an alteration was made to increase it to $200,000. In considering the case for increasing the limit now, after working for 15 years on a limit of $200,000, one must relate that limit to the change in money values and remember that there has not been a depreciation in money values of 100 per cent since 1955. Indeed, if one goes back to just before 1955 one realizes that the then limit is being multiplied seven times by this Bill.

First, I do not accept that the depreciation in money values is a valid reason for this Bill and, secondly, the only test that can be used to justify a change is the committee's ability to investigate and report upon matters referred to it. This Bill deals with the most important of all Parliamentary committees, the Public Works Committee. Its duty is to inquire into and report upon all projects costing the Government more than $200,000. Every honourable member, irrespective of Party affiliation, who has served on the Public Works Committee has spoken in this Council of the committee's very proud record. Every such honourable member constantly stresses with justifiable pride how much money the committee has saved the taxpayers of South Australia. I am certain that the two honourable members of this Council who serve on the committee (the Hon. G. J. Gilfillan and the Hon. D. H. L. Banfield) would agree with this view—that the Public Works Committee has served a very worthwhile purpose.

The only tests that should be applied to any increase in the limit the Government can spend on capital works without reference to the committee are these: first, is the committee at present unable to fulfil its commitments and, secondly, are projects being delayed because of the necessity to refer them to the committee? If one examines both these questions one realizes that the answer to both is "No". The committee is at present quite capable of fulfilling its commitments under the present limit and projects are not being delayed because of the necessity to refer them to the committee.

To illustrate my argument, I point out that, in 1959, 34 projects were referred to the committee and 54 reports were submitted, 22 of which concerned projects under $300,000. In 1960, 46 projects were referred to the committee and 71 reports were submitted, of which 25 were under $300,000. In 1961, 40 projects were referred to the committee; 73 reports were made, and 28 of these were in respect of projects costing under $300,000. If anyone wishes to go through the records of the committee, he can fill in the other years.

I will move now to 1965. In that year, 31 projects were referred to the committee, and 51 reports were made, 12 of which were in respect of projects costing under $300,000. Coming to recent years, in 1970 there were 38 projects referred to the committee, 16 of which were projects costing under $400,000. In 1969, 21 projects were referred, and 12 of these were projects under $400,000. This means that under the provisions of this Bill only nine projects would have been investigated by the committee in that year. In 1968, 28 projects were referred, 16 of which were projects costing under $400,000.

Honourable members can see that, if they apply the test of whether the committee in present circumstances is unable to fulfil its commitments, the answer is obviously "No". According to the information given this Council by its members on the committee, no projects are being delayed because of having to be referred to the committee. Therefore, one wonders what is the real motive behind this Bill. I do not think any honourable member in this Council would deny that over the years the committee has saved the taxpayer considerable sums of money. In fact, I would say the amount it has saved the taxpayers of South Australia runs into many millions of dollars.

May I also say that it is much easier for smaller projects to get out of hand than it is for larger projects to get out of hand, because very often much more work is done on the larger projects by expert officers than is the case with smaller projects. When one applies that test, one must conclude that there is no justification whatsoever for any alteration to

the amount of money the Government can spend without reference to the committee. I repeat that, in 1969, 21 projects were referred to the committee and 12 of these cost under $400,000. Therefore, in the interests of the committee itself, there is a need to preserve its standing. The committee is not overworked.

The Hon. D. H. L. Banfield: But it is under-paid.

The Hon. R. C. DeGARIS: That depends entirely on the honourable member's assessment of his worth. No case can be made at this stage to allow this Government, or any Government, to enter into projects costing over $200,000 without reference to the committee. Therefore, in the interests of this State, the taxpayer, and the committee itself, I oppose the Bill.

The Hon. L. R. HART secured the adjournment of the debate.

## RIVER TORRENS ACQUISITION BILL

In Committee.

(Continued from September 22. Page 1494).

Clause 3—"Plan to be prepared, etc."—to which the Hon. Sir Arthur Rymill had moved the following amendment:

In subclause (2) after "bank" to insert "and shall not extend further than 100 yards from the top of the river bank".

The Hon. C. M. HILL: Regarding the amendment now under consideration, I have given this matter much thought overnight and have considered, first, the need for a marginal distance to be specified from the point of view of the acquiring authority's being limited to its intention and, secondly, from the point of view of what width of land the authority should be limited to. But I am coming around to the Minister's thinking, namely, as I understand it, that there is a need for some flexibility to remain with the acquiring authority in this matter.

First, obviously if a person owns a title to land which fronts a street in the region of the river and which backs on to the river bed itself, and if that person is being dispossessed of the piece of land in the river bed and on the banks of the river, I think it is desirable that some flexibility remain so that the two parties (the acquiring authority and the dispossessed owner) can mutually agree regarding where it is wisest and best—

The CHAIRMAN: Order! I ask the honourable member to resume his seat. As there is an amendment on the file moved by the Hon. Sir Arthur Rymill yesterday, I point out that, before we can discuss another amendment, Sir Arthur's amendment must be dealt with or withdrawn. However, as Sir Arthur is not here to ask leave to withdraw his amendment, a difficulty faces the Committee. In the circumstances, I think it would be best for the Minister to ask that progress be reported to avoid any misunderstanding or problems.

The Hon. T. M. CASEY (Minister of Agriculture): Yes, Mr. Chairman. I ask that progress be reported.

Progress reported; Committee to sit again.

## PROHIBITION OF DISCRIMINATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 17. Page 1453.)

The Hon. L. R. HART (Midland): I did not intend to speak to this Bill today but, as the Notice Paper is rather light, my speaking now will make the sitting of the Council a little longer than it would have been had I merely moved to adjourn this debate. Consequently, I am not as fully prepared on this important matter as I should have liked to be. This Bill amends the Prohibition of Discrimination Act, the purpose of which is to make it an offence if discrimination occurs on the ground of race, country of origin, or colour of the skin. It is obvious, therefore, that this Act applies to possible discrimination not only against Aborigines but also against other residents of South Australia.

We do not, however, hear of situations where persons of other than Aboriginal descent ask for prosecutions because of discrimination against them. Undoubtedly, some forms of discrimination are occurring daily against people who are not Aborigines. Therefore, we must come to the conclusion that many of the situations in which discrimination is alleged against Aborigines are created for the express purpose of trying to get evidence of discrimination.

To my knowledge, the instances that have been brought to light so far where discrimination has been alleged have all involved the supply of intoxicating liquor. Furthermore, the Aborigines involved have been the better informed rather than the under-privileged members of that race, which alone tends to confirm my suggestion that situations where discrimination has been alleged have been purposely developed. The suggestion that there

is discrimination against these people can perhaps be summed up by saying that the alleged discrimination is made for the purpose of protecting these people rather than denying them a privilege that is available to other persons.

The Hon. A. F. Kneebone: This may not be so in every case.

The Hon. L. R. HART: Quite, but I believe that, if we are to make it easier for Aborigines to allege discrimination, these situations will develop where the suppliers of goods and services, by denying the Aboriginal, are setting out to protect him against his own folly and weaknesses. Therefore, the sole purpose of this amending Bill is to be able to prove cases of discrimination for the purposes of prosecution.

How far will this develop? We could see it develop to a point where the suppliers of goods and services would, against their better judgment, supply them to the Aboriginal, to his own detriment, rather than face prosecution themselves. That is my fear. The Hon. Mr. Whyte made a very good point when he suggested that we have some sort of committee of conciliation where the Aboriginal concerned and the supplier of the goods concerned could meet and the accusation of discrimination could be talked out. Perhaps there would be no need for prosecution and the Aboriginal would be better informed if this method could be evolved.

Having been a member of the Select Committee that inquired into the welfare of Aboriginal children, a committee that worked for some five or six months, I realize the problem that exists in the Aboriginal race. I suppose we could also say that, if we did a similar exercise on the under-privileged sections of the white community, we would come up with somewhat similar answers, but how often do we hear allegations of discrimination against members of the under-privileged sections of the white community? I would say "Never". These acts of discrimination are, no doubt, occurring, and occurring daily, but we do not get these accusations of discrimination. However, immediately a person refuses to supply an Aboriginal (in many cases, with intoxicating liquor) for the sole purpose of protecting him against his own folly and weaknesses, we get this accusation of discrimination. All we are doing by this Bill is providing an avenue for a prosecution to occur when these situations develop.

This is not the right way to tackle the problem. We know that drink is a weakness within the Aboriginal race. We do not necessarily blame the Aboriginal alone for this. He is trying, perhaps, to act in the same way as the white man does and to follow his examples, but these examples are, in many cases, not very good. It is interesting to read extracts from what prominent authorities have to say about the Aboriginal drink problem. Let me read a few sentences by W. E. H. Stanner:

> The things on which the Aborigines now place most value are the immediate things of the present. This is due to the collapse of a tradition in which the future took care of itself by being continuous with the past. After the collapse, and before futurity became a problem in itself, the immediacies of life assumed prize value. In the Aborigines' new situation, there are no more pleasurable and novel immediacies than the gratification of tobacco, alcohol and drugs, the relief of pain and the excitement of gambling. These also happen to be, in out-back Australia, the higher secular values of European life. Aboriginal alcoholism is thus part of a natural caricature of Europeanism.

These are true words: the Aboriginal is trying to ape the European. In doing so he has not the background of confrontation with these problems that the European race has had for a long time, and he is not acclimatized to this type of life. Perhaps he takes the view that he is not acceptable to the European race, and he therefore tends to bury himself in the way of life that he sees the European adopting. Mr. Stanner continues:

> Sharing is approved by the community; sharing liquor the more so, since it involves merry-making and excitement. Drinking provides an ideal means of escape from the normal, for it requires the minimum of social organizations and cultural resources.

"Sharing is approved by the community": this could well be a problem in relation to discrimination. An acceptable Aboriginal may seek the supply of liquor at a hotel. To refuse to supply that person could be an act of discrimination if that liquor was for the Aboriginal himself, but the supplier might well know that the person was obtaining a supply to take away and share with members of his race. If the supplier knew this to be the situation and refused to supply the liquor he would have only slight grounds for proving that this was not an act of discrimination, even though he knew that the liquor was being purchased for another purpose. However, how does he prove to the court that this was the situation? Therefore, I believe that a prosecution will not provide the answer for which we are looking. Mr. Stanner continues:

Excessive drinking is sufficiently prevalent for it to be a sign of adult male status, and it has, in addition to its other attractions, a consequent importance to adolescents anxious to assert their maturity.

Obviously, these are some of the reasons why the Aboriginal seeks a supply of liquor. I am confining my remarks mainly to the supply of liquor, because I consider that this is the area in which allegations of discrimination have occurred. One could point to many instances where acts of discrimination had taken place against Aborigines. One may suggest that the Housing Trust may refuse an Aboriginal family a house in a certain locality merely because it is an Aboriginal family. Surely this could be classed as an act of discrimination, but the authority may have refused the house to a particular family of Aborigines for the protection of the local community. It may take the view that this particular Aboriginal family may not fit into the community, but this still could be considered an act of discrimination. Are we to suggest that this authority should be prosecuted for refusing to supply a particular person with the service he is seeking? Ruth Fink, another authority on Aboriginal problems, states:

Such activities as gambling, drinking in excess, wasting money and neglecting homes and personal appearance, all have the effect of emphasizing their social distance from white people. This type of reaction is an aggressive assertion of low status. It seems to say—"Look at me—I'm coloured and I'm dirty, drunken, lazy, irresponsible like they all say—that's my privilege because I'm coloured—I can do as I like because that's what they expect of me anyway".

This is a prevalent attitude in the Aboriginal race, but giving them this privilege (and I term it a privilege) of being able to go to an authority and say, "I have been discriminated against because I am an Aboriginal, and I ask for a prosecution," is not the answer to our problem. In every situation we find that if we are to help the Aboriginal there must be assistance through some social welfare method. If we are to house Aborigines successfully we must have a social welfare worker assisting them. Also, they need assistance with education, as do any other under-privileged section of the community, and they need assistance in employment matters, too.

Merely strengthening the present Act by making it easier to prosecute people where an act of discrimination is alleged will not be the answer to the problem. I am not willing to accept the Bill in its present form, I believe we should write something into the Bill that will improve it; something similar to what has been suggested by the Hon. Mr. Whyte should be pursued. Similar committees have operated in other countries to the benefit of an under-privileged section of the community, be it black or some other colour. I think that this Bill is a hasty amendment of the legislation. It has been introduced to overcome a situation that has developed and has been highlighted, but highlighting this situation reacts to the detriment of the Aboriginal. I reserve further comments on this Bill until the Committee stage is reached.

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

## PASTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 22. Page 1495.)

The Hon. A. M. WHYTE (Northern): I am pleased to support this Bill, because it provides much-needed and overdue protection for property owners, who have properties situated near mining enterprises. Some inroads into pastoral leases have been made without due consideration and have caused much inconvenience. I do not mean to imply that all miners are irresponsible and have little regard for other people's property. Some of the old miners had a good understanding with the pastoralists; many were employed part-time on the pastoral leases and fossicked for minerals during the slack part of the grazier's year.

In latter years mineral search and gem search have been stepped up, however, and some people are taking great advantage of the get-rich-quick stories that they have been told. However, they are very haphazard in their attitude to other people's properties. This Bill gives a much-needed protection to the pastoralists. Clause 2 strikes out that part of section 7 (3) of the principal Act which refers to the Public Service Act and which is no longer required. Clause 5 is the key to the Bill. It is pleasing to see that due consideration has been given to watering points on pastoral leases. These were perhaps the chief sources of trouble: people did not pay due regard to the fact that stock could not gain access to the various watering points not only because of miners' activities but also because of tourists' activities. Tourists sometimes talk as though they are keen conservationists but they still bathe dogs in sheep troughs and leave the soap there. Sometimes they leave the bung out of

the trough and let the water go. Then they go home and write articles about protecting kangaroos, although they may have caused the death of 1,000 sheep! Not only the miners need legislation to bring them into line. New section 132 (2) (*a*) provides that mining shall not be carried out upon land comprised in a lease and situated within 440yds. of any well, waterbore, reservoir, dam, water tank, or aeroplane landing strip, or of any dwellinghouse, factory or building of the value of $200 or more. Regarding dwellinghouses and factories, I point out to the Minister that it would be possible for a miner himself to erect a dwellinghouse to the value of $200 and thereby exclude any mining within an area of 440yds. around that dwellinghouse. Of course, such a dwellinghouse would be only a hut (if it cost only $200). I would not like to term anything costing $200 a factory, particularly in view of the cost of freight to Coober Pedy. The Bill should provide that the dwellinghouse should be the property of the pastoral lessee; during the Committee stage I shall move an amendment that will remedy this oversight.

Although the extra protection given by increasing the distance from 200yds. to 440yds. is of great benefit, it does not ensure that a watering point cannot be completely encircled. The fact that mining operations are 440 or even 880yds. away would not make any difference if the watering point was completely encircled by mining operations: there would still be no access to the water. I intend, during the Committee stage, to move an amendment providing that the whole of such a circle should not be mined at the one time. Although it is in regard to opal mining that most of the controversy occurs, when people are mining for minerals areas are completely annexed from the lease and the operation becomes quite different from that of gouging for opals. It seldom takes more than a few months (at the most, six months) to work out a lode of opal.

The Hon. A. F. Kneebone: Does that apply to mechanical mining operations?

The Hon. A. M. WHYTE: It does not matter very much, because opal is found at two levels—at 30ft. and 60ft. Because the opal runs in veins, a claim of 150ft. by 150ft. is soon worked out. An energetic man with a pick can take most of the opal out of a claim within six months. Provided that one section was not being mined, it would be possible to gain access to a watering point. Clause 6 provides that the Minister may adjust the alignment of boundaries so that they are more in line with the areas actually being used. I think the Hon. Mr. Story has said that many pastoral lessees fence off that portion of their properties that is most accessible and useful. In some areas they have missed small pockets and in other areas they have picked up parts to compensate. This gives the Minister the right to declare existing boundary fences to be the boundaries of a property. With the reservation that I intend to move two small amendments, about which I will say more in Committee, I consider that this is a good Bill. I am sure that it will benefit both the pastoralists and the miners, and I have much pleasure in supporting it.

The Hon. R. A. GEDDES secured the adjournment of the debate.

## ADJOURNMENT

At 3.12 p.m. the Council adjourned until Thursday, September 24, at 2.15 p.m.