**The Hon. PETER DUNCAN:** Given the importance of this measure, I can well understand that members would be expecting me to take most of my time in this second reading debate. However, given the importance of other matters before the House, I do not wish to delay matters very much longer this evening. I believe that an agreement was reached between the Whips to ensure that the time allocated to this Bill went at least to 6 p.m. That time has now expired, so I will not spend much more time on the Bill, except to explain to the people who will read *Hansard* that I was merely taking part in an exercise earlier this evening to take up a little time of the House which had been agreed on between the Parties.

**The SPEAKER:** The honourable member would realise that Standing Orders do not allow repetition.

**The Hon. PETER DUNCAN:** Indeed they do not. I think that it is about time that, if the laws of the State are not changed to enable Bills of this sort to be dealt with more expeditiously and at far less cost to the State, at the very least the rules and requirements of the Parliament and of this House should be changed to ensure that, if Parliament desires to get up at 5.55 p.m., it ought to be able to do so without some poor mug such as myself having to speak for five minutes just to fill in that time.

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

**The Hon. H. ALLISON (Minister of Education):** I move:

*That this Bill be now read a third time.*

**The Hon. PETER DUNCAN (Elizabeth):** All I can say is that I am not particularly satisfied with the Bill.

Bill read a third time and passed.

## PITJANTJATJARA LAND RIGHTS BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1391.)

**Mr. BANNON (Leader of the Opposition):** The Opposition supports this Bill, which results from an agreement signed by the Government with the Pitjantjatjara people at what the Premier described as a "memorable ceremony" on 2 October. In introducing this Bill to the House and giving its second reading on 23 October, the Premier said that, not only because of its importance to the Pitjantjatjara people but also because of the whole question of relationships with Aboriginals in this State, he urged that it be considered without delay. My first point is that the delay which has been occasioned so far (that is, the delay of over a month since 23 October) has not been the result of any delay on the part of the Opposition, which has been ready, willing and able to consider this Bill at the earliest stage that the Government wished to bring it on.

The Opposition supports the Bill, and our public statements made following the signing of the agreement indicated that we would be doing so. That is not to say that we are entirely happy with every aspect of the Bill, and later speakers on this side, particularly the member for Spence, will be indicating some of the areas in relation to which we feel improvements or clarification may well be needed. Basically, we support this Bill because, since the change of Government last year, we have maintained that we would support the wishes of the Pitjantjatjara people with respect to their land. That was our view when in Government, and it has been our view while we have been in Opposition. We have maintained that, if the Pitjantjatjara Council was satisfied that Pitjantjatjara rights to the land were adequately recognised by this Bill, we, as Parliamentary Opposition, would not hamper or impede its passage.

However, I would like to look at the historical antecedents and to put this Bill into its proper perspective. Also, I should like to present as succinctly as I can the Opposition's general position regarding land rights. Recently, it was reported in the press that the present Government had negotiated with the Pitjantjatjara people on the conditions of this Bill and that that negotiation was the first in South Australia's history to reach agreement with the Aboriginal people over land rights. That is just not true. I think that that should be restated quite clearly and definitely. Indeed, the issue of legally recognising the inalienable right of Aboriginal title to their tribal lands was first raised here by European powers as far back as 1835. In that year, Lord Glenelg, Secretary of State for the Colonies, stated that the land rights of Australia's indigenous people should be kept inviolate. He was referring particularly to South Australia in the context of the South Australian Act and the Letters Patent.

In fact, a clause was inserted in South Australia's Letters Patent; that clause was, in a sense, rediscovered and highlighted in recent years only, and bears repeating in this debate. That clause states:

> Nothing in these our Letters Patent 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 occupied or enjoyed by such natives.

Unfortunately, that assurance proved to be not worth the paper on which it was written. The Letters Patent, at law, were inferior in power to an Act of the Imperial Parliament and were therefore completely overruled by the South Australian Colonisation Act of 1834, which, taking no account of that statement in the Letters Patent, reversed the situation; that is, it contended that South Australia was waste and unoccupied and available for sale in its entirety.

From that point, so far as South Australia was concerned, the chapter of the sorry treatment of the Aboriginal peoples by the white invaders began. "Waste and unoccupied" were the words that were used. This was said of a State, an area, or a Territory in which people not only lived but where, in fact, extremely sophisticated tribal systems and cultural traditions had existed for many years and developed. I am referring not just to culture and traditions but also to technology, in some cases, of quite amazing sophistication. Examples of that are to be seen but some of those skills, unfortunately, are dead. The fish nets and the various other complicated technological equipment used by some of the tribal people in those days are now only beginning to be rediscovered. Yet, contrary to what was said in the Letters Patent, the Act claimed that South Australia was waste and unoccupied. Those people, and their culture, traditions and society did not exist.

True, Governor Hindmarsh's proclamation, in 1836, stated that Aborigines were entitled to the privileges of British subjects. However, no attempt was ever made to acquaint those Aborigines with what Graham Jenkin, the author of the book *Conquest of the Ngarvindjeri* (a book that I heartily commend to any member who wishes to understand the nature and sophistication of Aboriginal society and what we did to it in this State), describes as two enormously significant facts that were not communicated properly or ever really understood: first, that the land that had been theirs and their forebears since time immemorial was no longer theirs, but belonged to the British Crown; and, secondly, that the ancient legal systems by which their lives had always been regulated and which depended

so much on their relationship with their land no longer applied.

Of the 130 years after proclamation, the history of South Australia's Aboriginal people became one of dispossession, disease and oppression, and the policy of assimilation was pursued until recent times with disastrous effect. In 1965, only 15 years ago, South Australia's new Minister of Aboriginal Affairs (Don Dunstan) showed that he was determined to make up as far as possible for decades of injustice, indifference and neglect.

In 1965, Labor in South Australia, set about to implement a policy of equality, equal opportunity, and of self-determination for its Aboriginal people. Our Prohibition of Discrimination Act and the Aboriginal Lands Trust have been models for the other States far in advance of their time. In addition to numerous unoccupied reserves, which had been transferred to the lands trust, it has also received freehold title to some of the large occupied reserves in southern areas. These have been leased back on a long-term basis to Aboriginal councils, which assume full control over them as soon as they are able and willing to do so.

The trust receives considerable goodwill from many Aboriginal communities. The trust was, essentially, a European concept, and the tribal people of the North-West of this State, the Pitjantjatjara, told the former Premier, Mr. Dunstan, that trusteeship was alien to their culture and their relationship to their land. They said that people in Adelaide who were members of an Aboriginal Lands Trust, or any other body, no matter how well intentioned, were not considered to be tribal elders under Pitjantjatjara law and, therefore, could not claim to represent them or to exercise a legitimate authority.

As a result of a series of meetings with the tribal people themselves, the Dunstan Government, in 1978, introduced legislation which, if it had been passed, would have conferred inalienable land rights on the Pitjantjatjara people. That legislation was prepared after exhaustive investigation and inquiry. Certain proposals were made to the people, and their reaction to them was not entirely welcoming or acceptable. So, the Government established a land rights working party, under the Chairmanship of Mr. Chris Cocks, which undertook a detailed investigation and made recommendations, which, in turn, formed the basis for the Pitjantjatjara Land Rights Bill that was presented to the Parliament.

That Bill, in turn, was referred to an all-Party Select Committee of this Parliament and so, at the time we went out of office, had returned for consideration in the House and for passing as a result of a report of the Select Committee. So, there had been much consultation and preparation, and we were in a position to pass an Act into law. That legislation, like this, enjoyed the full support of the Pitjantjatjara people, and it was agreed to by the Pitjantjatjara council. One significant difference was that our legislation was the result of detailed examination, which did not take nearly a year of the protracted time scale that these negotiations have taken.

Mr. Mathwin: It wouldn't have worked, would it?

Mr. BANNON: I pay a tribute to my colleague the member for Mitchell (the Hon. Ron Payne), who was then in charge of this legislation and who worked extremely hard to ensure that it was presented to the Parliament in an acceptable form. That Bill was in the House prior to the last election. It had been to a Select Committee, and the member for Glenelg interjects that it needed much improvement. In that case, he is suggesting that the Select Committee had not been able to do its work properly. It is significant that one of the members of that committee was the present Minister of Aboriginal Affairs. He was a signatory to it. He and another of his Government colleagues sat on that committee, listened to the evidence, helped prepare the report, and signed it as it came to the House. If it was deficient, it was deficient on an all-Party basis.

That legislation would have created a new land-owning entity, and membership of that entity would have been the right of all those Aborigines who have rights, duties and obligations, by Aboriginal tradition, to those particular lands. The Pitjantjatjara would have had full powers of management over their lands. What was clearly desired by them was that there would be no mining on their lands without their agreement. Those last three words are significant because, in the early stages of the Government's rather bungling attempt to force through legislation or an agreement earlier this year, it was suggested that those who extolled the cause of the Aborigines, those who supported land rights, were in some way preventing any sort of development in this State, any examination of mining rights or of mining exploration, the suggestion being that to confer those rights on the Pitjantjatjara meant that that was the end in relation to any development of any sort involved with those lands. That has never been the position of the Pitjantjatjara people.

It was made clear by the Pitjantjatjara people that they wanted control, the ability to negotiate the need for mining companies to reach agreement with them before they would allow any such mining to go ahead. I thought it was significant that, in introducing this Bill, the Premier referred to the course of those negotiations and said that two things became clear early in the discussion (and he is talking around the period of last February); first, that the Pitjantjatjara council was not totally opposed to exploration and mining but, rather, was concerned to ensure that any such activity was carried out on terms that were as acceptable as possible to them. That is right, and it always was right, and it was a total misrepresentation of the Government, when in Opposition, to suggest that anything other than that was the case. So, it is amazing that it took the Government six months in office to make that discovery (something which was clear to all those who had been involved with the issue and dealt with the Pitjantjatjara before that).

The Labor Party's view was simple. If the Pitjantjatjara were given title to their lands, but not given an effective say over what could be extensive mining development, the legislation would not have been worth introducing. We recognise, therefore, that the attachment that tribal people have for their land relates not only to the surface of the land but to the whole of the substance and essence of the land itself: the way in which it is used. Our Bill was, in a number of ways, different from the present legislation. Under our previous legislation, we recognised that to deny Aborigines the right to prevent mining on their sacred lands would be to deny them real land rights.

However, further negotiations have taken place and, to an extent, that position has altered. On achieving office, the present Government showed clearly that it did not share that view or, indeed, had little, if any, respect for Aboriginal land rights. In the early stages, the Premier was making statements such as that he would see the Aborigines claim and relationship to the land as being no different from any other citizens of South Australia. That sort of insensitive treatment of the issue, that total misunderstanding of the essence of the land rights issue, indicates why it was so hard for the Government to come to terms with the Pitjantjatjara in the early stages of office.

Incidentally, it seemed odd that the Government held and proclaimed that view when one considers that the Minister of Aboriginal Affairs, the member for Mount

Gambier when in Opposition, signed that report of the Select Committee which examined the previous Bill It has been significant that the Minister of Aboriginal Affairs has taken a very low profile indeed, hardly being involved at all in this agreement with the Pitjantjatjara people. It has been very much carried by the Minister of Mines and Energy and the Premier.

**The Hon. Peter Duncan:** Significantly, the Minister of Mines and Energy is here now, not the Minister of Aboriginal Affairs

**Mr. BANNON:** As my colleague points out, the Minister of Aboriginal Affairs is not present during the course of this debate, although we do have the Minister of Mines and Energy present. This gives an idea of the perspective from which the present Government approached the whole question of land rights. We are pleased that agreement has finally been reached with the Pitjantjatjara. It is certainly somewhat surprising that agreement was possible with the Pitjantjatjara. The early days of the present Government were marked by a very casual, if not callous, attitude towards the wishes of those people. Earlier it was announced that there were plans to allow mineral exploration on Aboriginal tribal lands, and the new Government was hamfisted in the way it chose to delineate which lands were or were not significant to the Pitjantjatjara people.

Members will recall that the Government appointed a committee, with no consultation and with no Pitjantjatjara representative on it, to designate and define essential sacred sites, and it gave that committee the impossible time constraint of three months. Considerable shock waves went through not just the Pitjantjatjara community but the larger community of South Australia when that inept decision was announced. The committee, which was hastily put together, comprised three members with no particular skill or expertise as far as the Pitjantjatjara territory was concerned. The committee was told to get out there and define those sacred sites, to do it quickly and come back with a report in three months

A number of Government pronouncements and incidents directly affronted both the wishes and the dignity of the tribal Aborigines in this State. Confidences with the Pitjantjatjara negotiating team were broken, and details of the negotiation proceedings were both leaked to the press and revealed publicly by the Premier himself without the consent of the Pitjantjatjara, although that had been agreed upon previously.

**The Hon. E. R. Goldsworthy:** That is absolute balderdash.

**Mr. BANNON:** Then in April, the Deputy Premier, who now interjects and who was Acting Premier in the absence of the Premier, was caught out in his deception when it was revealed that mining exploration licences could be conditionally applied to tribal lands before official agreement with the Pitjantjatjara people had been reached. It is fortunate that there has been considerable public concern and interest, public opinion has in fact been mobilised behind the rights of the Pitjantjatjara people, one of the last cohesive living tribal groups left from the time of white occupation of this country.

The Pitjantjatjara people came south and made their protest vigorously and publicly at Victoria Park racecourse and in a moving open letter to the Premier in the newspapers. Their rightful claims were recognised, not just by South Australians but by prominent Australians in other States who wrote letters and got up petitions They were representative of all political Parties It was significant, for instance, that the then Federal Minister for Aboriginal Affairs (Senator Chaney) indicated his support for the previous Government's legislation on land rights

Of course, that was a major embarrassment to this Government, but it indicated the degree of acceptability that the previous action had. The matter was even raised on an international basis. With this tide of opinion against it, the present Government was forced to change tack, and to get down to realistic negotiation with the Pitjantjatjara people. I must say that, in doing so, the Government is to be congratulated on recognising the realities of the situation and, whatever its insensitivity in the early stages, the Government was able by October to be in a position to reach agreement with the Pitjantjatjara people.

Again, I stress that this is not an historic agreement in that it is the first agreement. There is nothing special about that, because agreement had already been reached That should be made quite clear and reiterated strongly.

**The Hon. E. R. Goldsworthy:** It was an agreement that wouldn't work

**Mr. BANNON:** If it would not work, it would have been a result of the Select Committee's failing, apparently, in its job; it would have been the result of members in another place failing in their job of review of the legislation. That is the only reason why it would not have worked. Let me return to this point: the agreement may well be historic, but it is historic only because it is a conservative Government that has been able to reach agreement with the Aboriginal people, and for that I congratulate it. I congratulate the Premier in particular.

I am not sure that, had the Deputy Premier been left in charge, together with the member for Eyre, they would have got anywhere near it. Let me pay this tribute to the Government: where Sir Charles Court, Mr. Bjelke-Petersen and others have proved signally incapable of coming to terms or agreement with Aboriginal peoples or respecting their rights, this Government has shown a degree of sensitivity and ability to negotiate and respect the Aboriginal people, for which it is to be commended. I certainly say that, but it is not the first time that this has happened.

Members must recognise today that the only reason why agreement has been reached and both parties now support this legislation is that the public of South Australia has shown that capacity to respond to the issue involved, and to let its opinion be known loudly and clearly, using all the measures of public democracy in South Australia to support those initiatives that were taken by the Dunstan Government. Of course, the climate of opinion in this State is far better, far more progressive, far more favourable and sensitive than it is in other States and, as a result, we have the measure that is before us today.

The passing of this Bill will not just be an example of this Government's ability to reach agreement with the Pitjantjatjara people: I believe that it will prove a culmination of Don Dunstan's initiatives, going back as far as 1965. The Bill would not have been introduced had it not been for the work put in by previous Labor Administrations, together with the raising of public opinion and sensitivity which has been shown in this State.

*Mr Gunn interjecting:*

**The SPEAKER:** Order! The Leader of the Opposition has the floor

**Mr. BANNON:** Let me conclude by saying that, despite the ill-mannered interjections by the member for Eyre, who, one would have thought, could show more concern for his constituents who comprise these people, the Opposition supports the Bill and, with the reservations and comments that will be made by subsequent speakers, commends it to the House.

**The Hon. E. R. GOLDSWORTHY (Deputy Premier):** I will not answer the fairly petty little speech of the Leader

of the Opposition in his remarks about Government members. The Premier will be winding up this debate, as he is handling the passage of this Bill. However, I can perfectly understand the Leader's pique at the success of the Government in achieving a fully negotiated Bill.

The Labor Party, when in Government, introduced legislation which, by the way, it did not pursue (and I know perfectly well why it did not pursue it), that I am sure my predecessor knew was unworkable. My predecessor, who has now quit this place as a result of the State election—

**Mr. Mathwin:** Not voluntarily.

**The Hon. E. R. GOLDSWORTHY:** Not voluntarily. Nonetheless, he was one of those in the Labor Party who had something to contribute to this House: he was one of the members of the Labor Party who had some depth of experience and an ability to make some sounder judgments than are made from time to time by the current Opposition. He was well aware that the Bill was unworkable, because he sought legal opinion, which indicated this.

**The Hon. Peter Duncan:** Who from?

**The Hon. E. R. GOLDSWORTHY:** There was an opinion from the Crown Solicitor and also a judicial opinion, both of which indicated quite clearly that the Bill would not work.

**The Hon. Peter Duncan:** Table them in the House.

**The SPEAKER:** Order! The honourable member for Elizabeth will have his opportunity to speak in due course.

**The Hon. E. R. GOLDSWORTHY:** Thank you, Mr Speaker. It is quite apparent to me, and it does not take a very shrewd judgment to conclude, that the previous Government and my predecessor did not pursue the original land rights legislation, because it was hopeless. This fully negotiated Bill is fair to all concerned.

The Leader also made some unkind references to my negotiating style: he does this from time to time when he gets a jab in the ribs that hurts him. I and the Attorney-General probably had more to do with negotiating in regard to this Bill than did any other Minister, although the Premier had quite a deal to do with the negotiations in the early stages, and the Cabinet has been kept informed on a weekly basis. The Minister of Aboriginal Affairs, the Attorney-General and I have been heavily involved in negotiations, and I do not believe that the Pitjantjatjara representatives were as sensitive as is the Leader in regard to my style. In fact, we got on famously during our negotiations.

**Mr. Mathwin:** They thought you were pretty good, did they?

**The Hon. E. R. GOLDSWORTHY:** I had respect for their ability and they had respect for mine: there was a degree of mutual respect. As to the Leader's accusation that the Government broke faith in giving information to the media when we had undertaken not to do so, I give the lie to that accusation. I was disturbed at the tenor of the reporting in the *Advertiser* (and I make no secret of that) and at the way in which the Aboriginal affairs writer for the *Advertiser* was reporting the negotiations. He was obviously being briefed. Most of the reporting was slanted in such a way as to put pressure on the Government, and there were errors in the reporting. Motives were ascribed to me that were untrue, and there was a complete twisting of the facts by the Leader of the Opposition in his suggesting that we were feeding that information to the *Advertiser*. That accusation is nonsense. Despite the reporting that was aimed to pressure the Government into a course of action, we pursued the matter with a great deal of restraint in these circumstances, and we reached this position.

I want to record some remarks about the exploration and mining provisions of the Bill, because members opposite showed scant interest, during their term of office, in the development of this State and in exploring and developing its mineral interests. In fact, their Bill would have made it completely impossible for people to explore these areas of the State, let alone mine them. We believe that the general populace in this State has a right to share in any of the benefits of the minerals that belong to the Crown, and, when this Bill is passed, the minerals will still reside in the Crown. We were not prepared to resile from that fundamental principle. Members opposite showed no interest in the needs of the State and the general population.

We have become acutely aware, since we have been in office, that this State desperately needs development, and the area in which we can bring to fruition significant developments is the resource area. We are also aware that the State, by any international standards, is largely unexplored. One of the facts that came home to me very forcibly was that the level of exploration for hydrocarbons, which is, in this day and age, almost liquid gold, in North America, Canada and other parts of the world makes the effort in that direction in this State infinitesimal. They talk in terms of drilling thousands of wells a year, whereas we are lucky to drill five wells a year. The Opposition was quite happy to turn its back on this kind of activity: it did not care tuppence for the resources of this State and their development.

**The Hon. Peter Duncan:** We didn't care to sell them out cheaply like you want to.

**The Hon. E. R. GOLDSWORTHY:** Members opposite were so concerned that they sold gas to New South Wales to the year 2006 and looked after South Australia until 1987. That is how interested they were in this State!

**The Hon. R. G. Payne:** There is a little more to it than that.

**The Hon. E. R. GOLDSWORTHY:** That was one of the major problems that I had to wrestle with as Minister of Mines and Energy. Our birthright was sold out by the Labor Government to another State.

**Mr. Slater:** You're selling it out to the multi-nationals.

**The Hon. E. R. GOLDSWORTHY:** Members opposite were trying to get in bed with Dow for about eight years. They announced *ad nauseam* the petro-chemical project: they kept on announcing it this year. They knew more about what Dow was doing than Dow knew, and certainly more than what Dow told us.

**The Hon. R. G. Payne:** Has it been put off for two years or not?

**The Hon. E. R. GOLDSWORTHY:** We brought the matter to a head by advising the Premier to talk to the Dow board to find out the position.

**The Hon. R. G. Payne:** You blew it.

**The Hon. E. R. GOLDSWORTHY:** That is absolute nonsense, and any conversation that the Opposition has with Dow, if Dow agrees to talk to members opposite, will confirm what I am saying.

**Mr. Bannon:** We were talking to them today.

**The Hon. E. R. GOLDSWORTHY:** That is very interesting. So were we. I emphasise that the provisions in relation to mining are based on consultation. Our experience in negotiating the Bill was that consultation, provided it is frank and honest, can solve almost all of the problems that are likely to arise in regard to exploration and mining of the land. Indeed, the experience of companies that have been negotiating with the Pitjantjatjara about exploration and mining in areas outside the lands, that is, Comalco, Afmeco, and Getty Oil, has been most satisfactory. The Government has first-hand

experience of these consultations in regard to the new alignment of the Stuart Highway, which is reflected in the agreement referred to in the Bill and signed at the same time as the Bill was formally endorsed.

In the unlikely event of consultation not working, there is provision for arbitration, which will ensure that any disagreements will be dealt with in an effective, objective and impartial manner regarding the interest of the community at large, as well as the specific interests of the Pitjantjatjara people The Premier, in his second reading explanation, outlined the exploration and mining provisions. I will now deal with these in greater detail Companies whose application for a tenement has been accepted for consideration by the Minister of Mines and Energy will negotiate with Anangu Pitjantjatjaraku as to the terms and conditions under which they may enter the lands for the purposes of mineral exploration and mining. In establishing such terms and conditions, Anangu Pitjantjatjaraku must consult traditional owners of particular pieces of land affected by exploration or mining proposals These provisions ensure that only applicants whose applications for a tenement are likely to be granted by the State enter into discussions with Anangu Pitjantjatjaraku. Thus, there is no wastage of effort by either the applicant or the Pitjantjatjara, and the Government retains its responsibility for the granting of tenements in relation to the State's mineral resources

**The Hon. R. G. Payne:** Why do you have to read it if you were so involved in the negotiations? Tell us all about them

**The Hon. E. R. GOLDSWORTHY:** I was speaking without notes earlier on, and I am quite prepared to do that. It is not an uncommon practice on the other side to read from notes. The Leader, when he wants to get something on the record accurately, reads a speech. I make no apology for the fact that I wish this to be accurate.

**The Hon. R. G. Payne:** You really have the greatest—

**The SPEAKER:** Order! Is the member for Mitchell taking exception to the manner in which the Deputy Premier is debating the issue?

**The Hon. R. G. PAYNE:** I do not wish to do that, but I do believe—

**The SPEAKER:** Order! If the honourable member does not wish to take exception to the manner in which the Deputy Premier is debating, there is no point of order to be answered, and I ask him to desist from interjecting

**The Hon. R. G. PAYNE:** Mr. Speaker, I seek your ruling. Members on this side of the House were informed within, at the most, the last five minutes that the Minister was the one who had the greatest involvement and was the most heavily involved in negotiating the whole matter—

**The SPEAKER:** Order! The member for Mitchell is neither taking a point of order nor answering the question put to him, but is seeking to debate the issue He will have an opportunity to do that in due course I gave the member for Mitchell the opportunity to indicate whether he was taking a point of order, because I was prepared to answer that point of order within the guidelines that I gave to this House on an earlier occasion, which included the fact that, when a matter of technical importance was being debated, copious notes would be acceptable That has been the method of approach ever since that direction was given No member is denied the opportunity of using notes when matters of technical detail are to be put on the record. As I understand the debate as it is developing from the Deputy Premier, he is now putting on the record a detailed explanation of decisions reached between two parties.

**The Hon. E. R. GOLDSWORTHY:** I am explaining the technical details of the mining provisions for the member for Mitchell's benefit. It would be to his benefit if he desisted from misquoting me. At no stage did I suggest that I had the greatest involvement during the negotiations I said that I was heavily involved, along with the Attorney-General, who probably did more than any other Minister in terms of hours spent on the negotiations. I was heavily involved in this matter along with other Ministers *Hansard* can be checked tomorrow: if I said that, it is not correct, but I do not believe I said it. I was heavily involved

In particular, the practice will continue of tenements being granted to those companies whose skills, experience and resources most closely match the work to be undertaken, the minerals being sought and the environment in which the work is to be undertaken In other words, the granting of tenements at the moment by the department, and by me as Minister, is on the basis of an assessment of the ability of a company to undertake the work and finance it to the best advantage of this State. That procedure will be followed.

Consultation with traditional owners of particular pieces of land will ensure that the interests of smaller local communities are considered first In the event of agreement being reached within 120 days, the Minister may proceed to the granting of the tenement This period was chosen having regard to the need for applicants to know with some certainty the outcome of their proposals to the Anangu Pitjantjatjaraku without unnecessarily pressing that organisation. It is interesting that the time period under similar legislation in North America is considerably less For instance, in the United States, once tenure has been granted to a company it must submit plans for approval and a time constraint of 60 days is placed on Indians for objections to mine proposals on Indian reserves.

Nevertheless, the Government is aware of the concerns of the Pitjantjatjara Council as to the work load that it may face I understand that the council has made application to the Federal Government for the granting of further funds so that the Pitjantjatjara Council can engage more staff I understand that the result of that request should be known fairly soon. With regard to the conditions that the Pitjantjatjara may impose, it is expected that they will be related to the arbitrator's terms of reference. However, the Bill also requires the Minister of Mines and Energy to consider any conditions that the Pitjantjatjara may care to propose for inclusion in the granting of the lease.

In the event that agreement is not reached at the end of 120 days, or that there is disagreement, the matter may be referred by the applicant to an arbitrator. That arbitrator must be a judge of the High Court, the Federal Court, or the Supreme Court of a State or Territory of Australia. This provision enables such a judge with appropriate qualifications or experience to be considered While the arbitrator is to be appointed by the Minister of Mines and Energy, he is required to inform the Anangu Pitjantjatjaraku of whom he proposes to appoint and to consider any representations that they may care to make. The arbitrator's terms of reference are set out in the Bill and seek to balance the interests of the South Australian community at large with those of the Aboriginal people.

One of the major appeals to both the Government and the Pitjantjatjara Council in relation to the arbitration procedure was that it removed sensitive decisions from the political arena and allowed them to be dealt with objectively, impartially and, in the words of the Bill, "as expeditiously as possible" In this regard the Bill is very different from the Northern Territory legislation, which

allows the Federal Government to override Aboriginal decisions on national interest grounds The arbitrator's decision will be binding on the applicant, the Anangu Pitjantjatjaraku and the Government. It is the Government's hope that the provisions of the Bill regarding consultation will make the use of arbitration provisions rarely, if ever, necessary.

Once explorations or mining operations are commenced, they will be subject to the Mining and Petroleum Acts. That will ensure, for example, that proper safety and management standards can be enforced As the Premier pointed out when introducing this Bill:

> Mining companies may agree to make payments to Anangu Pitjantjatjaraku, but only if those payments are reasonably proportioned to the disturbance of the lands, the Pitjantjatjara people and their way of life that has resulted or is likely to result from the granting of the tenement

In the event of this provision being breached, the Minister is required to refuse to grant a tenement or to cancel a tenement that has already been granted This provision recognises that royalties are payable to the Crown because of the Crown's ultimate ownership of the minerals from which they are derived This provision and the prohibition on payments in relation to obtaining permission to carrying out mining operations contained in clause 23 also ensure that improper pressure is not brought to bear on Anangu Pitjantjatjaraku in relation to the granting of permission to conduct mining operations At the same time, as honourable members are aware, Anangu Pitjantjatjaraku is entitled to one-third of royalties up to a limit to be determined, the other two-thirds going to the health, welfare and advancement of the Aboriginal people of the State and all the people of South Australia, respectively. This arrangement recognises the need for the Aboriginal people to obtain a direct benefit from mining operations and the value to them of their tribal lands.

The Bill contains special provisions regarding the Mintabie opal field These reflect the concern of the Pitjantjatjara Council at the impact of the Mintabie community on their own community and at the same time the need for the Mintabie people to be able to continue legitimate mining and trading activities once the Bill is passed. These provisions were outlined in some detail in the Premier's speech, and I do not propose to describe them again However, I emphasise once again the Government's belief that consultation will lead to the solution of most problems that are likely to arise In that regard, the Mintabie Consultative Committee proposal in the Bill will be most important

Indeed, consultations have already commenced between the Mintabie Progress Association and the Pitjantjatjara Council regarding the operation of the Bill once it is passed. So far two meetings have taken place Of particular importance is one outcome so far of these discussions—the proposal by the Pitjantjatjara Council that miners be granted leases of residential allotments of up to five years under clause 6 of the Bill

This should give the miners greater protection than they receive now: they currently are able to obtain licences of one year from the Crown These can be terminated with one month's notice, and no compensation for improvements is payable in present circumstances; indeed, the licensee can be required to remove any improvements That is not the case under the Bill

Clause 28 of the Bill, which has caused some comment, is designed to protect these licensees, of whom there are 30 or so However, the long-term tenure of residential premises on the lands will be by means of leases granted under section 6 I understand that the Pitjantjatjara Council will consider that all current licensees be granted leases under clause 6 of the Bill and that these leases would contain standard clauses as to rent, termination and so on, subject to the lessee's abiding by the requirements of the Bill Details are currently being discussed by the legal advisers to the Pitjantjatjara Council and the Mintabie Progress Association

It is also pointed out that proclamation of Mintabie as a precious stones field, an essential pre-condition of the Bill's coming into law, will be undertaken very shortly The provision excluding the operation of the Outback Areas Development Trust Act to the lands was taken because it was felt that this Act would not be appropriate once the lands had passed to inalienable Aboriginal ownership In particular, the power to apply the provisions of the Local Government Act contained in the Outback Areas Development Trust Act could have caused difficulties. However, the Government is aware of the role that the Outback Areas Development Trust has played at Mintabie and would expect that appropriate arrangements could be made to enable Government assistance for the construction of amenities at Mintabie to continue, although by means of some other mechanism It may well be that the Mintabie Consultative Committee will be the means by which proposals for funding are directed to the Government

I have described the mining provisions of the Bill in some detail I emphasise the importance of consultation as the mechanism by means of which the Bill will work most effectively.

In conclusion, I might add that it was by dint of painstaking negotiations by Ministers and officers of the Government and the Pitjantjatjara and their representatives over a long period that this Bill has emerged I pay a tribute to the officers for their untiring professional effort and to the Pitjantjatjara and their representatives, which efforts have led to success and achieved a Bill which I believe does justice to all concerned I might add that while I was overseas recently the details of this Bill had spread that far, and it was described to me by one who should know that it is the best legislation of this type in the world.

**The Hon. Peter Duncan:** What nonsense!

**The Hon. E. R. GOLDSWORTHY:** I invite the member for Elizabeth, when he makes his contribution to this debate, to describe legislation anywhere else in the world that he believes is superior He scoffs at the suggestion, but I repeat that that was what was put to me. It was put to me in Canada by people who have similar problems and who are familiar with the northern American scene

**The Hon. Peter Duncan:** Similar problems to whom?

**The Hon. E. R. GOLDSWORTHY:** If the member for Elizabeth wishes to challenge that statement and has details of legislation which he thinks is superior and which would fit the South Australian scene more adequately and more fairly than this legislation does, we will be very pleased to hear from him in due course. I commend the Bill to the House

**Mr. ABBOTT (Spence):** I support the second reading, and I also support the remarks made by the Leader of the Opposition After listening to the speech by the Deputy Premier, one could be excused for wondering whether we are debating a mines and energy Bill or a land rights Bill The Opposition is supporting land rights legislation for the Aboriginal community of South Australia

When introducing this Bill, the Premier pointed out that, during a simple but memorable ceremony on 2 October this year, Mr Pantju Thompson, on behalf of the Pitjantjatjara Council, and he on behalf of the South Australian Government, signed a document indicating

that a Bill had been agreed to between the parties and was to be introduced by the Government into this Parliament. He said that that ceremony had brought to an end many months of detailed negotiations on the contents of a land rights Bill between the Government, representing the people of South Australia, and the Pitjantjatjara Council, representing the tribal Aborigines who are the traditional owners of the land within the north-west of the State vested by this Bill.

Actually, it is the third Pitjantjatjara Land Rights Bill to be introduced into the South Australian Parliament. One was introduced by the Leader of the Opposition in another place, and now two have been introduced into this place. In addition, a motion was placed on the Notice Paper by my colleague the member for Mitchell recommending the adoption of the Pitjantjatjara Land Rights Bill. Unfortunately, the 1978 Bill, which was supported by certain Government members (and this has already been referred to by the Leader), including those who were members of the Select Committee at that time, lapsed on the prorogation of Parliament. Since then the Government has seen fit not to proceed with either the motion moved by the member for Mitchell or those Bills introduced by the former Labor Government and by the Leader of the Opposition in another place.

When the Liberal Party was in Opposition, it criticised the former Government at every opportunity for not proceeding more quickly with the passage of the original land rights Bill. Yet here we are today, more than 14 months after the Government came to office, debating a substantially different Bill from that introduced by the former Government in November 1978. I will refer to some of those differences later in my address. The Opposition has made it quite clear that, if the Pitjantjatjara Council is satisfied with the agreement signed between it and the Government, we would not delay its passage through Parliament. Of course, we are aware that it is the express wish of the Chairman of the Pitjantjatjara Council, Mr. Thompson, representing the Aborigines of the North-West (and they are fairly large in number so far as the Aboriginal community of this State is concerned), that the Opposition Parties ensure a quick passage of this legislation without any unnecessary delays. In a statement apparently made after that simple ceremony to which the Premier referred, I was pleased to read that Mr. Thompson praised the role played by the former Premier, Don Dunstan, in initiating the first Pitjantjatjara Land Rights Bill, the Bill which was not passed before the A.L.P. lost office last year. Mr. Thompson said:

> Don Dunstan was vital to us. He saw our concern and responded with sympathy and understanding.

It was most heartening to read that, and I place on record the Opposition's appreciation of Mr. Thompson's recognition of Don Dunstan's role in this important matter of Aboriginal land rights. There is no doubt in my mind that it was the reforming zeal of Don Dunstan which brought this issue to the fore in South Australia, and he will go down in history as the pioneer of Aboriginal land rights legislation in Australia. It will also be recognised by other countries throughout the world. The Premier said:

> The fact that agreement has been reached on such a potentially difficult question has been hailed in many quarters.

Well, one quarter where it was not hailed was in Western Australia, the Premier of which State, Sir Charles Court, issued a very stern and strong warning against what he called the land rights band waggon. I want to quote from an article containing his comments as reported in the *Age* of 6 October:

> Western Australia's Aborigines had nothing to envy in the land rights agreement between the South Australian Government and the Pitjantjatjara people, the Western Australian Premier, Sir Charles Court, said yesterday. He warned that if outside stirrers, who had done Western Australia's Aborigines such disservice in other fields, were considering the invention of a land rights band waggon they would be hindering rather than helping the Aboriginal cause.
>
> "Aborigines in this State would be well advised to think very carefully before making any attempt to achieve so-called land rights based on the South Australian agreement", Sir Charles said. "I do not imply criticism of the South Australian Government. What they do in their own State is their own decision. But if Western Australian Aborigines examine various forms of land tenure closely they will find they are already well ahead."
>
> Sir Charles said nearly 20 million hectares, or 8 per cent of Western Australia, was reserved for Aborigines, apart from other big areas of Aboriginal-held pastoral leases and freehold land. This was only slightly less than the area of Victoria.

That is quite an incredible statement, particularly coming from a Premier who is of the same political persuasion as the Premier of this State. The Federal Government has also steadfastly refused to use its powers on behalf of Aborigines, yet in the wake of Nukinbah the South Australian agreement on this Bill was being presented by the then Federal Minister for Aboriginal Affairs (Senator Chaney) as a great example of what can happen by negotiation. It was a model of patience and understanding; the approach by both parties was commendable, Senator Chaney said. Perhaps it was Senator Chaney who was jumping on the band waggon. It might well be that Sir Charles Court was referring to the Federal Minister.

No-one is more anxious than the Opposition members to see legislation on Aboriginal land rights come into operation and, whatever final legislation is passed, it will be a great leap over the physical and psychological fence for the Indulkana people, and it will be a great advance for the Pitjantjatjara of South Australia. This is an entirely new Bill, with numerous changes. Certainly, there are too many to refer to individually but I will summarise the major changes. First, there is the fact that non-nucleus lands have been entirely excluded from this Bill. Secondly, an executive board will operate under a written constitution, and that replaces the executive committee that was to operate under a set of rules as the executive body of the Anangu Pitjantjatjaraku.

The third major change is that the Anangu Pitjantjatjaraku no longer have the exclusive right to refuse entry into the land. This can be overruled by the Minister of Mines and Energy, if he so desires. Refusal by Anangu Pitjantjatjaraku to grant mining permits will result in the matter being heard by an arbitrator who can overrule the Anangu Pitjantjatjaraku, and I am pleased that the Government's previous attitude has been tempered to such an extent that an arbitrator, who must be a judge of the High Court, a Federal Court, or a State Supreme Court and who will have the powers of a Royal Commission, will, if he wishes, vary, affirm or reverse the decision made by Anangu Pitjantjatjaraku.

Other matters that will be taken into account are the effect of granting a licence or lease on the way of life of the Pitjantjatjara, the interests and wishes of the Pitjantjatjara regarding the management of their land, the growth and development of the Pitjantjatjara social structures, the freedom of access of the Pitjantjatjara to their land, and the suitability of applicants to carry out work with a minimum of disturbance to the Pitjantjatjara. Further points to be taken into account are the preservation of the

natural environment and the economic significance of the proposal to South Australia.

Another major change made in this Bill compared to previous legislation prepared by the former Government is that the Pitjantjatjara are to receive only one-third of the royalty payments instead of the 100 per cent provided for in the previous Bill. The present Bill provides that one-third will go to the Minister of Aboriginal Affairs, one-third to general revenue, and one-third to the Pitjantjatjara. I hope that the Minister of Aboriginal Affairs intends to spend that one-third on Aboriginal affairs in those very essential areas where the Aboriginal community requires expenditure. One could refer to many of those areas. For example, the Aboriginal Educational Foundation is struggling for funds, and I hope that this assistance will be given to such organisations.

Special conditions that generally restrict Anangu Pitjantjatjaraku control govern entry and access to the Mintabie opal fields. This provision is entirely new, and those allowed to enter the field without permission are persons who hold precious stones prospecting permits and persons carrying on a lawful business on the field or associated with such a person or wishing to transact business with such a person. Other persons must apply to an officer designated by the Minister of Mines and Energy for permission.

There are also special conditions that govern the repair and construction of roads that also generally restrict Anangu Pitjantjatjaraku control. Finally, the other major change is that a tribal assessor will hear disputes within the Pitjantjatjara community. As I have said, they are the major changes compared to the previous legislation. The Opposition, of course, is also concerned about certain technicalities in relation to the Bill we are debating. I do not intend to deal in detail with those, as I know that other speakers are to follow me, and no doubt they will be referring to those areas of concern in much more detail.

However, I want to state those concerns, and the Government may desire to do something about them later. The first area of concern relates to the inadequacies of the definition of "Pitjantjatjara". Our second concern is about the limiting of Anangu Pitjantjatjaraku, say, prior to exploration, and about the exclusion of any say by it in the exploitation of mining tenements. Then there is the failure to use the term "Anangu Pitjantjatjaraku" in instances where the term "Pitjantjatjara people" has been used instead. There is also an absence from the Bill of any mechanism for determining who is, in actual fact, an Anangu Pitjantjatjaraku prior to the operation of the Act after the Bill has been passed. Finally, there is an absence of the right of appeal concerning the exclusion of people by the court of summary jurisdiction from the Mintabie opal field.

In conclusion, I understand that, because of the Bill's nature and because of the people concerned and the private ownership of much of the land, it is necessary for the Bill to be referred to a Select Committee. I support its referral to a Select Committee, and I sincerely hope that those areas of concern which I have mentioned and which will be no doubt debated by other Opposition members will be considered by the Minister. It is unfortunate that he is not here to listen to the points being made. We consider that those points are very important, and we hope that he will take them into account when this matter goes before the Select Committee so that many of the technicalities may be rectified. I have pleasure in supporting the second reading.

**The Hon. PETER DUNCAN (Elizabeth):** I support the second reading and indicate, along with other Opposition members, that we will support the Bill proceeding to a Select Committee. For a Bill that has in the past two years exercised a great amount of time and effort of the politicians, the people and also the media of this State, the absence in the Parliament tonight of senior Government Ministers who are supposedly dealing with the Bill is quite lamentable. Their absence cannot go unnoted. I would have expected that, following the two contributions that the Government has heard from speakers on this side of the House tonight, it would be very clear (and I am saying this with due modesty) that the debate is of a reasonably high standard. I would have expected that the Government Ministers concerned (and I see that my prompting has brought into the House the Deputy Premier who is only to leave again to show his contempt of the proceedings of Parliament), who have boasted and claimed at great length that they have been involved in the negotiations and details of this matter, would be in Parliament tonight to hear this debate.

Knowing that the matter was going to a Select Committee and that the Opposition intended to support the measure at the second reading stage, Government Ministers, I would have expected, would show the courtesy and, more particularly, if they do have any real commitment to this Bill, the interest to be present in Parliament tonight to hear the debate and take account of the important matters that the Opposition is placing on record.

**Mr. Randall:** There are a few wellknown names missing from your side.

**The Hon. PETER DUNCAN:** Nonetheless, the point is that the people who can make decisions on these matters are the senior Ministers on the Government benches. They are the ones who basically will make the final decisions as to the form of this Bill. The Bill in its present stage (and I want to go on record as saying this) is in quite lamentable terms. I am not particularly referring to the detailed provisions of the Bill as they encompass the agreement: I am in fact, for the record and otherwise, attacking the drafting of the provisions. I will go into some

However, I wish, first, to say something about the agreement itself. Any reading of the literature—the now copious literature on this matter— will indicate clearly that the previous Bill (the so-called Dunstan Pitjantjatjara Land Rights Bill) had overwhelming support at the time from the Pitjantjatjara people. It seems that the only reason why the Pitjantjatjara have agreed to the present Bill, which is in many ways inferior to the original Dunstan Government legislation, is the fact that they were forced to make their agreement under duress.

**Mr. Lewis:** Rubbish.

**The Hon. PETER DUNCAN:** Nonetheless, I think it is fairly clear that the political climate at the time forced a degree of reality on to the Pitjantjatjara people which they did not appreciate. The negotiations were held under an effective form of duress by the Government in that the Aboriginal people knew full well that, if they did not agree to the best that was being offered by this Liberal Government, the only alternative would have been a Bill that the Government decided upon unilaterally. In those circumstances they had little alternative but to agree to what was being offered.

Whilst no doubt the Government will say that the Pitjantjatjara are entirely happy with the Bill, it is rather more a case of the Pitjantjatjara expressing profound relief that they are getting some land rights, little as it seems, nonetheless. The reality of the situation is that the more aware members of the Pitjantjatjara people greatly feared that in the final analysis they would be

dispossessed, and that view was particularly held in relation to the Granite Downs Station, which has been used to some extent as a bribe in relation to this Bill or this agreement, or at least as an inducement to encourage the Pitjantjatjara to accept the terms of the agreement and to accept the Bill.

The other important fact is the so-called compromise over mining. It did not come from the Pitjantjatjara themselves but, rather, was the idea or the brainchild of one of their legal advisers who comes from Victoria. The arbitration provisions allow for the appointment of an arbitrator whose decision will be final and binding on both the Government and the Pitjantjatjara and any mining applicant. In those circumstances, if the arbitrator reached a decision that was unacceptable to any of the parties or, alternatively, proved unacceptable only to the Government or to the Pitjantjatjara, the question would become a highly politicised issue. Inevitably, the only solution to such a problem would be to amend the Bill, or at least the Act (as it no doubt will be), in this Parliament. In those circumstances, provisions similar to those in the National Parks and Wildlife Act in relation to mining in national parks would have been far more satisfactory than the arbitration provisions included in this Bill.

For those who are not aware of the details of the National Parks and Wildlife Act, the relevant provision is that, if there is to be mining on a national park, such mining must be approved by a majority of the members of this House and of the Legislative Council. Any draftsman worth his salt in approaching a Bill tries to take account of the worst possible position and to temper the situation accordingly. In this legislation the worst possible situation from the Aboriginal viewpoint would be a large mining company that sought permission under clause 23 for an application to carry out mining operations.

Under Division III—"Mining Operations on the Lands"—the provision for arbitration entirely relates to the question of permitting the applicant to carry out mining operations. Those operations are defined in the Bill as being any operations authorised by or under the Mining Act or the Petroleum Act. Once the question of permitting an applicant entry to carry out mining has been determined, that applicant may then, on such conditions as have been set down, be granted a licence. This provision will enable large mining companies, after approval of the Pitjantjatjara or the arbitrator, to be granted an exploration licence and to enter the land on such conditions as were laid down.

The exploration licence will then allow the company to do virtually anything except extract minerals from the land for profit, so the whole proceedings for arbitration, etc., will not take place at the most appropriate time, namely, the time when some details of the mining operation are known but will, in fact, take place prior to the approval being granted for exploration licences. Any person with half an ounce of intelligence can see the problem involved in that. The Pitjantjatjara people will be required to approve of an application for mining works on their land at a time when nobody knows what minerals or petroleum may be below the surface. Nobody will be aware of the size of any mineral find that may take place. Nobody will be aware of any of the details of a mineral or ore body that lies below the surface.

The Pitjantjatjara will be required to make a decision as to whether they are going to allow a mining company on to their land for exploration purposes and for mining at that stage. Very clearly, what the Government is setting up is a situation where the Pitjantjatjara will be able to take only one step, and that step will be that they will be forced to make their decision on what, in effect, will be an ambit position. They will have to take the position of saying, in the worst circumstances, from our point of view, this particular application might lead to a Mount Isa situation and because of the possibility of that, we oppose the proposal that mining exploration should take place." That is a ridiculous situation for the Government to be creating. Surely the position is absurd where the Pitjantjatjara will be required to either agree to an application or, alternatively, be forced to arbitration at that early stage.

The time when they really need to be able to have some sort of say about this matter is when a mining proposal is being put up. This Bill simply does not allow them to have any significant say at that stage. I think that that is the fundamental problem with this piece of legislation. It is most certainly the area to which the Select Committee will have to pay its most careful attention. I believe that the experience in South Australia in the recent past has indicated that when dealing with these vast mining conglomerates ordinary people, and State Governments even, have very little power or influence over their activities. One would need to refer only to the Redcliff situation to see that these conglomerates hardly put their cards on the table. I am not making a partisan comment in that: I think the current Government has been taken for the same sort of ride by this corporation, or this conglomerate, as our Government was. They will no doubt establish for themselves a petro-chemical plant if they want to, and only if they want to, and they certainly will not be dictated to by anyone else, regardless of what the terms of the request and the demands of this Government are.

I think that this agreement is one that does not bear close scrutiny. I believe that any lawyer who takes close note of the terms cannot fail to be impressed by the fact that legally it does little at all for the Pitjantjatjara. There is not one Minister on the front bench at present. However, I must say to the Government that, if it is a credit to anybody, it is a credit to the disingenuousness of the Attorney-General, Mr. Griffin, himself a former adviser to the Presbyterian Church at the Ernabella Mission.

**Mr. Russack:** Your statement was not correct; there is a Minister in the House.

**The Hon. PETER DUNCAN:** I said "on the front bench". The Attorney-General supported, and indeed approved, the report of the Pitjantjatjara Land Rights Working Party before it was published even, as I understand the situation, and has been, in part, responsible for this sorry, sad agreement. I want to deal in some detail with some of the clauses of the Bill. In normal circumstances, one would not do so at this stage, but, because the Bill is going to a Select Committee quite clearly it is proper and in order to do so during the current debate. I want to deal initially with clause 20 (15), which sets out the matters to which the arbitrator must have regard. Clause 20 (15) (a) (ii) requires that the interests, proposals, opinions and wishes of the Pitjantjatjara people are to be taken into account. There is an assumption that those interests are universal and apply to all the Pitjantjatjara people. The plain fact of the matter is that there are more than three subtribes, known among the Aboriginal people as "bands".

**Mr. Lewis:** They're not subtribes, they're actual tribes.

**The Hon. PETER DUNCAN:** They are known as "bands", for the benefit of the honourable member, wherever that fellow comes from.

**The DEPUTY SPEAKER:** Order! The honourable member for Elizabeth will not answer members' interjections, but if he is referring to a member he must refer to that member by his district, and in this case it is the

honourable member for Mallee

**The Hon. PETER DUNCAN:** I thank you for that information, Sir, because I am prepared to recognise the honourable member for Mallee, knowing full well that, unless he falls foul of the Liberal Party machine, he will be here in the next Parliament, unlike many of his newly arrived colleagues There are more than three subtribes in this area. They are known among Aboriginal people as "bands", as in "let the band play on" for the benefit of the member for Mallee, if he is concerned about the spelling. These subtribes are part of the overall tribe known as the Malu or the Kangarou people.

**The Hon. H. Allison:** Malu.

**The Hon. PETER DUNCAN:** Malu, thank you. In fact, as I have said, there are more than three bands and, incredibly, this legislation refers to only three of these subgroups. The Minister ought to know that there are more subgroups in the area than simply the groups referred to in the Bill. The consequences of that will be appalling if this piece of legislation passes into law in the state it is in at present I refer the Minister to page 217 of Tindale's *Aboriginal Tribes of Australia* where, even under "Pitjantjatjara," he points out that apart from the three subgroups referred to there is also a group referred to as the Partutu. There is also a group in this area known as Nakako and a further group called Matuntara So there are, in fact, other groups not referred to in the legislation, and such groups will be grievously disadvantaged by the Bill.

I have little doubt that, after it comes from the Select Committee, this incredible mistake will no doubt have been corrected, but here we are with this rushed piece of legislation clearly indicating that—

**Mr. Lewis:** Toyne is ignorant; that's what it indicates

**The Hon. PETER DUNCAN:** I am not sure who is ignorant There is a serious omission from the Bill which will need to be corrected by the Select Committee. The sub-tribes extend outside South Australia Certainly, that is the case, but many of the sub-tribes, or bands, have land which traverses the European borders. In such circumstances, those people must indeed have access to this legislation If a person belongs to one of the bands or subtribes not included in the legislation, he will be excluded from the benefits, because of the definition. I believe that this definition is unsatisfactory, and I think that the Select Committee will end up going back to the definition contained in the Dunstan Bill

A person who, for example, lives at Coober Pedy might simply claim initially to be a Pitjantjatjara, and there is no mechanism contained in the Bill for excluding such a person I could go to the first meeting of the Anangu Pitjantjatjaraku and claim to be a member, and there is no way under this legislation by which a person such as I could be denied access to the meeting. I might be roughed up and turfed out, but there is no legal way of being excluded from the initial meeting Once you go to the initial meeting, under this legislation you would be a member That is the legal position. That is ridiculous I do not even believe that this Government is cynical or deceitful enough to have produced this legislation, believing that all of the opal miners, for example, at Mintabie will turn up at the first meeting to claim their land rights under this legislation, but the Bill is wide enough to allow for that This serious anomaly needs to be corrected Thank goodness, the Bill is going to a Select Committee where such matters can be dealt with It reflects badly—

**Mr. Lewis:** On their advocate

*The Hon. H Allison interjecting:*

**The Hon. PETER DUNCAN:** That may well be the case. They may not have had a Q C., but the Government had the benefit of the Attorney-General. I believe that that is a serious omission in the Bill and one which will have to be taken into account by the Select Committee Clearly, the definition in the original Bill (and I do not imagine that this is a matter between the parties in this Parliament) was clearly much more desirable than the incumbent provision In the few minutes left to me, I will refer to some important matters. There is, in Part IV, clause 35, mention of a tribal assessor However, before one can have a right of hearing before a tribal assessor, a person must be a Pitjantjatjara, by definition under the legislation, so that does not provide an out to the problem I have raised. Accordingly, the Bill merely sets up a catch-22 situation for such people and does nothing to resolve a dispute over a claim by a person that he or she is a Pitjantjatjara by rights of traditional ownership of the land or part of it. Apart from that, it appears from the legislation that, once a person has been admitted to membership of the Pitjantjatjara, that is the end of the matter. As I have said, possibly even the member for Mallee and I, in those circumstances, if we went to the first meeting, would be eligible for membership

**Mr. Lewis:** As long as we were initiated.

**The Hon. PETER DUNCAN:** There is nothing in the Bill about initiation.

**Mr. Lewis:** It's traditional

**The Hon. PETER DUNCAN:** That is the problem we have.

**Mr. Lewis:** It says "traditional owner"—the definition under clause 4.

**The Hon. PETER DUNCAN:** Where is traditional owner defined?

**Mr. Lewis:** About four lines down

**The Hon. PETER DUNCAN:** I am sorry, it is. The word "and" appears in the definition of Pitjantjatjara You have to prove both, and that is the point I am trying to make

**Mr. Lewis:** We will have to add something that says "and their predecessors"

**The Hon. PETER DUNCAN:** I agree with that point. The honourable member illustrates that the Bill is deficient as regards the definition I refer further to clause 20 (15), which refers briefly to one of the following: Pitjantjatjara ways of life; interests, opinions and wishes of the Pitjantjatjara; growth and development of Pitjantjatjara; social, cultural and economic structures; freedom of access by Pitjantjatjara to the lands; and Pitjantjatjara traditions None of these terms is used elsewhere in the legislation, and none is defined in the legislation. They, in effect, treat Anangu Pitjantjatjaraku, the relevant corporate body, as if it does not exist. That, again, is a fault in the drafting of the legislation which will need to be corrected when the Bill goes to the Select Committee

Clause 10 (2) provides that five members of the Executive Board, which is a majority, shall constitute a quorum of the Executive Board Section 11 provides that the Executive Board shall carry out the resolutions of the Anangu Pitjantjatjaraku, and subsection (2) provides that no action of the Executive Board done otherwise than in accordance with a resolution of the Anangu Pitjantjatjaraku is binding on an Anangu Pitjantjatjaraku member Section 12, however, provides that an apparently genuine document purporting to be under the common seal of the Anangu Pitjantjatjaraku and signed by four or more members of the Executive Board and certified to be an act of the Executive Board done in conformity with a resolution of the Anangu Pitjantjatjaraku, and the provisions of this Act, shall be conclusive proof that an act

is valid and binding on the Anangu Pitjantjatjaraku

Therefore, a minority of the Executive Board can prove that a meeting took place which did not take place, that certain resolutions were passed which were not passed, and that they complied with the law, when they did not, and the wishes of the Anangu Pitjantjatjaraku, when they did not.

**Mr. Lewis:** Or at the request of their council.

**The Hon. PETER DUNCAN:** That may be the case. This is an example of tremendously sloppy drafting.

**Mr. Lewis:** What do you mean by "sloppy"?

**The Hon. PETER DUNCAN:** It would not have happened under my regime. The Bill is a complete mish mash, and poorly drafted. In relation to clause 27, being a civil libertarian, I point out, for the interest of members, that clause 27 (2) *(a)* provides, in relation to citizens' civil rights, a provision which is so wide that it would almost entirely depend on the view or attitude of the magistrates or the justices of the peace concerned. Any two Anangu Pitjantjatjaraku who were justices of the peace could, accordingly, exercise the provisions of that clause. There are numbers of Aboriginal justices of the peace in the North of the State. I think that matter needs to be taken into account. Apart from that, in relation to this matter, I point out the apparent conflict between clauses 27 and 28. If one looks at clause 27, one will see that a court of summary jurisdiction may, upon the application of the committee or Anangu Pitjantjatjaraku, make an order prohibiting a person from entering or remaining on the Mintabie precious stones field. Clause 28 (1) provides:

> A person who was, immediately before the commencement of this Act, lawfully in occupation of residential or business premises constructed, or in the course of construction, on the Mintabie precious stones field, or a person claiming through or under any such person, is, subject to this section, entitled to continue in occupation of those premises

One might have a situation where a ban order may have been made under clause 27 against a person who was entitled to occupation under clause 28. The combined effect of that might well be that a person was placed in house arrest. That particular piece of conflict needs to be resolved at the earliest possible time, and before this legislation goes into effect.

I think this whole piece of legislation is a rather slipshod and slack piece of drafting. The Pitjantjatjara have been beguiled by promises of a legislative panacea which I am certain this Bill will not prove to be. It has been sold to the Pitjantjatjara, it seems, by this Government as a cure-all for Aboriginal problems, which it is clearly not. I see the day not too far in the future where decisions made by the arbitrator, for example, will prove to be unacceptable to the Pitjantjatjara or the Government of the day and, in a political exercise of this nature, inevitably it will mean that either the Government will use its powers to come back to this Parliament to amend the legislation, or the Pitjantjatjara and their supporters will resort to such political activity as is available to them. This Bill purports to overcome those scenarios: I believe it does not. I believe there is a very onerous task ahead of the Select Committee in trying to put this Bill into some sort of order so that the Bill can proceed.

**The DEPUTY SPEAKER:** Order! The honourable member's time has expired. The honourable member for Mitchell

**The Hon. R. G. PAYNE (Mitchell):** In introducing this Bill to the House—and there has been some reference to it earlier, but I believe I have a different point to make—the Premier stated:

> Members will be aware that, at a simple, but memorable ceremony on 2 October this year, Mr Pantju Thompson on behalf of the Pitjantjatjara Council and I on behalf of the South Australian Government signed a document indicating that a Pitjantjatjara Land Rights Bill had been agreed between the parties and was to be introduced by the Government into this Parliament. That ceremony brought to an end many months of detailed negotiations on the contents of a Land Rights Bill between the Government, representing the people of South Australia, and the Pitjantjatjara Council.

The first part of the statement I take issue with is the statement that many months of negotiation had been involved, because in no way does that indicate the true state of affairs that applied on 2 October this year. What actually happened, of course, was that in 1976, as the result of approaches from members of the Pitjantjatjara living in the North-West of the State, the Government of that day, the Labor Government under Premier Don Dunstan, set up a working party to investigate the provision of legislation for the very topic we are now considering, that is, the vesting of land in the Pitjantjatjara people. In 1977 the working party called for submissions from the public.

**Mr. Randall:** That was a long time ago.

**The Hon. R. G. PAYNE:** Certainly the member for Henley Beach, who was probably not even considering pre-selection at that time and had no idea what Pitjantjatjara land rights were all about, can certainly say it was a long time ago. That is the whole point of my remarks—that the Government has a right to claim some credit for having achieved agreement with the Pitjantjatjara Council on this matter, but not to the extent that the Government is proclaiming abroad, and is seeking to abrogate to itself in this matter.

The real groundwork in the whole affair was undertaken by the previous Government, working parties set up by that Government, and the whole matter began at the instigation and as a result of the awakening of public conscience on this matter in South Australia by the then Premier, Mr. Dunstan. Let no member attempt to gainsay that, despite the persiflage contained in the second reading explanation delivered by the Premier. That is the true situation in this matter. None of us would be here debating this issue today if it had not been for a person who was not an Aboriginal having the courage and the honesty of purpose to put this matter before the people of this State and give it sufficient status by his own standing in the community that it received the consideration that it should have received X number of years ago.

*Mr. Randall interjecting:*

**The Hon. R. G. PAYNE:** That is the first point, and the member for Henley Beach is so anxious to speak in this matter that he is sitting back without making any attempt to place his name on the register with you, Mr Speaker, so that he can air his views on the matter.

*Mr. Randall interjecting:*

**The Hon. R. G. PAYNE:** Of course it is on the register, and the honourable member would do well to listen to what I am attempting to put to the House, because there are other members here, including the member sitting next to the member for Henley Beach, who knows that every word I have said so far is 100 per cent literal truth.

*Mr. Randall interjecting:*

**The Hon. R. G. PAYNE:** It does not detract from the effort of the Government of the day in reaching agreement. That is the difference between members on one side of the House and the members on this side: we are quite willing to give credit where it is due and in the amount that it is due.

*Mr Randall interjecting:*

**The Hon. R. G. PAYNE:** The whole situation that we are concerned with now is that for the first time there has been agreement reached between Aboriginal people speaking on their own behalf and the Government of the State in respect of the transfer of land into their title The previous Government had every intention of doing exactly the same thing, and the only difference that we are concerned with is the vehicle to carry out that transaction

There are two Bills We have the one which we are considering now and the one which previously existed The most that can be put against the previous Bill, and which has been put in any of the remarks made so far from the Government side, have been matters of detail and petty criticism, because the guts of the matter was the recognition, the acceptance of the required action in the matter, the public conscience to agree that great wrongs had occurred in the past and that something should happen. That essence was contained in the previous Bill

**Mr. Randall:** You tell me what was so good about that Bill.

**The Hon. R. G. PAYNE:** In relation to the previous Bill I might be ruled out of order by you, Mr. Deputy Speaker, if I were to venture too far into the detail, which is why I am reminding members of the House who were here before the member for Henley Beach and who have already a longer period of service in this House than he is likely to get in the three years he has in front of him all told before he leaves our ken forever I hope, and trust—

*The Hon H Allison interjecting:*

**The Hon. R. G. PAYNE:** There is no doubt about that prognosis—

**The DEPUTY SPEAKER:** Order! There is nothing in the Bill about the honourable member for Henley Beach

**The Hon. R. G. PAYNE:** I agree. I believe that there are certain events that will occur in the future, and I have my opinion on them and I have stated—

**The DEPUTY SPEAKER:** Order! I suggest that the honourable member confine his remarks to the Bill before the House and not be sidetracked by interjections, which are out of order.

**The Hon. R. G. PAYNE:** I thank you for your assistance, Mr. Deputy Speaker, which was equal to that which you gave when you were a member of the Select Committee considering this earlier matter, that is, the Select Committee considering Pitjantjatjara land rights Your knowledge, Mr Deputy Speaker, would be far superior to that of the member who is persisting with his inane interjections I accept your advice Mr. Deputy Speaker

There is no real difference between the two Bills except one of detail and one having reached ultimate fruition, something which, by force of circumstances, did not occur in the previous case The Minister opposite, who has a little more perspicacity in these matters than the member who has been interjecting, would follow my drift, because he, too, had the honour to serve as a member of the Select Committee There was no disagreement about main principles by members of the Select Committee, such as land transfer.

There were certainly times when different viewpoints were expressed in relation to matters ancillary to the Bill, such as the right of entry to the lands, the question of emergency bush fires, the necessity of aid for the injured, and the lawful right of people engaged in pastoral pursuits to stray over boundaries that might have resulted under the original Bill and that may occur under this Bill. This is the kind of thing that members of the original Select Committee sometimes talked about in their deliberations, which illustrates what I am trying to get home to the dense honourable member opposite—we are talking about matters of detail only, which are mostly matters of law The majority of members in this House (and I am one of them) are not qualified in that area and are not competent to discuss the finer details in either Bill or the way in which they would take effect in law, but I am willing to take a punt and say that this much longer Bill with its far more wordy detail will run into just as many hurdles as the previous Bill with its shorter description of the actions that would occur as a result of the Bill

The previous Bill had that history behind it. There was an attempt not only to present it to the Pitjantjatjara people in their own language and in terms which all persons who could be described as members of Anangu Pitjantjatjaraku could understand, but the intention was that, in the English version, it should also be of a relatively simple nature Any member who took the trouble to read the report of the working party would have learned that long ago. I suggest that the honourable member have a look at that report, if he has not already read it The important thing is that beyond doubt it can be demonstrated on a chronological scale that the Bill we are now considering is the end result of actions by both Parties in this House, whether they were in Government or in Opposition When the previous Government was in power, the general principle involved was supported by the then Opposition, but now the position is reversed: the Government is saying, "Look at us We have been very good and very clever We have got this thing to a stage where both parties agree."

We are not detracting from that The Opposition is saying that that was a good effort Despite assurances that were given within five minutes of the election, we are also entitled to say that it has taken a considerable time, and we are entitled to postulate that perhaps there was a lot of hard bargaining between the parties around the table However, I cannot say for sure that that is so because I was not there, but I would go so far as to take another punt and say that it was a very drawn out and hard fought battle over what would be contained in the Bill There is no need for me to go into that any further, because more than two interests were involved The Government in its role of representing the South Australian people and the Anangu Pitjantjatjaraku were not the only parties involved; other interested parties were already in various locations on the land about which we are talking in regard to pastoral pursuits Some people were trying to find the elusive opal, or they were people who can easily obtain membership of the Australian Mining Industry Council.

One of the greatest furphies perpetrated in this affair on a political basis by the members of the Party opposite has been that mining was an issue that did not receive proper consideration in the interests of the South Australian people in relation to mining activity that may or may not take place on the field How easy it is to give the lie to that allegation that has been peddled abroad by the Government of the day If we refer to the report of the Select Committee at the time, which is a report from both sides of the House and endorsed by the members of the Committee as a group (there was no minority report put forward), we see that paragraph 7 states:

> Representatives of mining interests expressed fears that the limitations upon the powers of Anangu Pitjantjatjaraku to lease land would affect mining leases granted in respect of nucleus or non-nucleus land vested in Anangu Pitjantjatjaraku. It was suggested that no mining lease could, in view of the provisions of the Bill, be granted for a term in excess of five years.

This referred to the original Bill. The first point that must be noted is that there was no argument as to whether or

not a mining lease could be granted, despite what has been argued opposite. The only query put forward by mining interests was that it would not be for a long enough period. That paragraph further states:

> Your committee believes that this submission results from a misconception of the interaction between the terms of the Bill and the provisions of the Mining Act. It is true that Anangu Pitjantjatjaraku is prevented by the Bill from granting a lease for a term in excess of five years. However, it should be observed that a mining lease would not be granted under the present Bill: it would be granted by the Minister of Mines and Energy in pursuance of the Mining Act.

This was the recommendation of that Select Committee. There was never any problem in that regard. In a climate of hysteria, it was manufactured, and there was an attempt by the present Government to portray something other than the true situation in regard to what applied in respect to the earlier Bill. The paragraph continues:

> The terms of any such lease is a period determined by the Minister of Mines and Energy of up to twenty-one years and, of course, that term may be extended by renewal from time to time.

For the benefit of the honourable member who has been listening closely, for once, I indicate that, as Chairman of that Select Committee, I know that representatives of the Mining Industry Council stated, in answer to a question from me, which can be checked in the evidence, that 21 years was a suitable time for a mining company to consider an enterprise in an area, whether it was connected with the Pitjantjatjara or with any other place in Australia. So, there we give the lie to the furphy that has been peddled for quite some time: there never was that restriction.

It may be that the Government is arguing that there was a need to have some more fine print in the Bill and that is why it is present in this Bill. I am not querying that point, because I do not have the necessary legal knowledge to do so, but I indicate that the advice given to the Select Committee by people who are supposed to have that knowledge (and the Minister and other members of the Committee can support me in this) would indicate that what I have just told the House is essentially correct. If the Government sees a need to tie up the matter to a great degree and to put more fine print into the Bill, I would quarrel with that if Anangu Pitjantjatjaraku does not agree, but they do, and that is why the Opposition supports this Bill. There is no real quarrel in that respect.

I want to ensure that there is no misconception about this matter in the minds of members who were not privy to the negotiations, discussions and debates that occurred previously in the House. It has been publicly declared that there has been agreement to this Bill by the Government and by those who are most concerned with the matters contained in the Bill. My understanding is that that is the true situation.

The members of the Anangu Pitjantjatjaraku are prepared to accept this legislation as it stands. I just wonder whether they have been approached in relation to the Bill's being referred to a Select Committee. I can find no direct reference to that in the Minister's second reading speech.

*The Hon. H. Allison interjecting:*

**The Hon. R. G. PAYNE:** I am happy to receive the Minister's assurance, because it may be a point that I have overlooked.

**The Hon. H. Allison:** They have known all along.

**The Hon. R. G. PAYNE:** Can the Minister show me where the Premier said that in his speech?

**The Hon. H. Allison:** Did he have to? I mean it is a fact.

**The Hon. R. G. PAYNE:** I accept that it has now been stated by the Minister by way of interjection, but it was certainly not contained in the second reading speech up to that point. If that is the case, once again, I have no quarrel. However, I point out that it was amazing for the Deputy Premier and the Minister of Mines and Energy to stand in this House and say (the Minister changed his remarks after I chivvied him by way of interjection) that the two Ministers most heavily involved in this whole matter of negotiation with Anangu Pitjantjatjaraku, which everyone agree is an Aboriginal body, were the Attorney-General and the Minister of Mines and Energy.

The full title of the Bill is "An Act to provide for the vesting of title to certain lands in the people known as Anangu Pitjantjatjaraku; and for other purposes". So, whatever other purposes might apply after the vesting of land in the Anangu Pitjantjatjaraku, it is described as "for other purposes". However, in relation to those other purposes, the two Ministers most heavily involved did not include the Minister charged by the people of this State through this Parliament to be responsible for Aboriginal Affairs.

**Mr. Abbott:** It gives it a very wide ambit.

**The Hon. R. G. PAYNE:** I am not going to say that it gives it a very wide ambit, but it is very curious that, in a matter involving the welfare of a very large body of Aboriginal people in this State, in a proposition to transfer to them certain lands (which I have just read from the title of the Bill), the Deputy Premier stated in the House that he and the Attorney-General were the two Ministers most concerned in the matter. I listened in vain to hear him mention the Minister of Aboriginal Affairs. What goes on in the Cabinet of the Government of the day is a matter for the Government, which has to sort out its priorities as it governs. I can certainly say that, when I had some of those responsibilities, I would not have stood for that at all; otherwise, it would have been better if I had resigned.

**Mr. Randall:** You got nothing done, anyway.

**The Hon. R. G. PAYNE:** We have just been through that whole area. We got so little done that already a Bill was before the House. If the honourable member likes to sit down and carefully study that Bill in relation to the new Bill, he will find that almost all of the old Bill is contained in the new Bill. I defy the honourable member to gainsay what I have just said. There are additions, but almost all of the old Bill is contained in the new Bill.

Therefore, the worst criticism that can be levelled at the previous Bill is that it needed some tidying up and some additions. There is no absolute negation of what was contained in the previous Bill. Therefore, that type of interjecting from the member for Henley Beach is one of desperation from a member who knows that he is talking hot air with no backing at all, and he would do better to let it go.

To strengthen that point even further, I suggest to the honourable member and other Government members that one can search in vain throughout a document entitled "South Australian election, 1979. Summary of Liberal Policies", in an attempt to find something about transferring or vesting in land in the Aboriginal people, known as Anangu Pitjantjatjaraku in the North-West of South Australia. The only reference that I can find in all of those pages is a reference under the heading "Northern affairs" as follows:

> A Liberal Government will encourage the development of our mineral resources—

I can see the look on the member for Henley Beach's face, because so far the word "Aboriginal" has not had a hearing at all—

> and undertake that the rights of the opal miners will be respected.

That is the nearest approach that I have been able to find

in the official document put out by the Liberal Party in the summary of its election policies which applied at that time So, if the member for Henley Beach is trying to claim that all along his Party was hand in hand with the previous Government and was only waiting to get into power to do this very thing, he has very scant evidence to support such a claim

Certainly, I agree that "encourage the development of our mineral resources" appears to have a fair hearing in a matter that is supposed to concern, as I pointed out, the vesting of land. It does not say "the vesting of mineral resources" or anything else, to provide for the vesting of title to certain lands to the people known as Anangu Pitjantjatjaraku

It appears that somewhere along the way provision was made for discussion, organisation and arrangement with respect to possible minerals and other resources that may be in the area, but the vesting of the land got only a secondary consideration I suggest to the member for Henley Beach that, if he is lucky enough (which he will not be) to continue in the House after a certain date, in future he might think before he interjects in the way that he has done. Perhaps he means well, but he is not getting through in a way that will have any substance, even when it is read back in *Hansard* I have not put forward any points in this matter that cannot be substantiated.

I began my remarks by saying that the Opposition supports the Bill to the second reading stage and that the Opposition gives the Government credit for having achieved agreement in this matter However, the member for Henley Beach has overlooked one thing: I remind him that this kind of agreement was already in force because a similar Bill was before this House with the full support of the Anangu Pitjantjatjaraku at that time So, where is the difference? The real credit to the present Government lies in the fact that it will actually carry the legislation The Opposition also made attempts to carry the legislation Fairly important events occurred which made that a little harder to achieve.

In fact, the Premier of the day had to resign in full flight The member for Henley Beach was not present then, but the Premier had the carriage of that matter at the time, and on a certain day which is known to all members and which is recorded in *Hansard*, he had to resume his seat and inform the House that he could not continue—and he never functioned in this Parliament again That was a little bit out of the ordinary. I suggest that it might be reasonable to assume that that caused some little delay in the matter.

*Mr Randall interjecting:*

**The Hon. R. G. PAYNE:** Other problems also arose, and I refer to the subsequent election, and so on If the member for Henley Beach looked carefully at the matter, he would see that there is no real difference, because it has taken 14 months for this matter to reach its present stage I offer the member for Henley Beach the exact chronology of events, which he can obtain from the Library, if he wishes, and which shows that we are at about the same position that the matter reached before. Of course, one must not count the negotiating period between working parties, and so on. I am referring to legislative steps and getting the Bill on to the floor of the House and having it passed. There is no great difference in the two time spans involved.

Probably the only real difference here is that this Government is receiving the Opposition's goodwill in the matter without question Questions were raised before, but in this instance virtually no questions have been raised, except by persons who should raise them, by persons skilled in law who have studied the wording of the Bill and who have some small concerns about whether the clauses are technically correct, and so on. If the Anangu Pitjantjatjaraku are in agreement on this matter, the Opposition gives its unequivocal support in ensuring that the Bill has as speedy a passage as we can give it.

**The Hon. H. ALLISON (Minister of Aboriginal Affairs):** The member for Mitchell asked whether the Pitjantjatjara people realised that the Bill had to go to a Select Committee No secret has been made of that fact during the lengthy discussions that have been conducted. The Government has been dealing not simply with the Pitjantjatjara people themselves but with their solicitor, Mr Toyne, and also a Q.C., a Victorian solicitor, Mr. Ron Castan, both of whom understood that it was mandatory under South Australian legislation for a hybrid Bill to go to a Select Committee

**The Hon. R. G. Payne:** I accept that.

**The Hon. H. ALLISON:** The Premier referred to this on 23 October (at page 1390 of *Hansard*), as follows:

> That, in broad terms, outlines the contents of this Bill I commend to honourable members the detail of it, which, as a hybrid measure, will be referred to a Select Committee

So, the attention of the House was drawn to the fact that the Bill would go to a Select Committee. I am pleased to support the reference of this Bill to a Select Committee as a fine measure Despite the criticism that has been addressed to it by various members in opposition, I express the hope that the Select Committee hearings will be brief, and that, in spite of the doubts of the member for Elizabeth, very little change will be effected, particularly as the legislation has been agreed to by the Government and by the Anangu Pitjantjatjaraku through their legal representation

The Bill may be alleged to be faulty in some ways, but I do not think it is questioned at all that the Ministers of the Federal Government have been quite loud in their praise for this legislation in maintaining that it betters legislation already enacted at the Federal level, which legislation was considered to be very good Also, international authorities are expressing a great deal of interest in the legislation and agreement that as a negotiated settlement it is exemplary The Minister of Mines and Energy had similar points of view expressed to him when he was in North America recently

The question by the member for Mitchell why a number of Ministers have been involved in this legislation is rather a strange one. The honourable member seems to be signalling to the House that it is far better for matters to be dealt with by one Minister in isolation than for a variety of Ministers to give their various expertise as required. The fact that the Premier chaired all full meetings (what were really sub-Cabinet meetings) in conjunction with the Aboriginal Pitjantjatjara people and their legal representatives is, I think, a significant point

The Government did not deal with the Pitjantjatjara people at anything less than Leader level. So, the Premier was dealing with the Pitjantjatjara council. Representing the Government at those many meetings were the Attorney-General, the Deputy Premier and Minister of Mines and Energy, myself, and, at various times, the member for Eyre and others who were directly involved in the negotiations not only at a Parliamentary level but also at officer level This was because this legislation, which has finally been presented to the House, has involved a wide range of people, all of whom have contributed significantly, whether it be in large measure or small. It has been very much a co-operative venture.

For the work done to be criticised on the grounds that one Minister, the Minister of Aboriginal Affairs in this

instance, was not solely responsible for the matter is rather an innocuous sort of criticism. The Pitjantjatjara were represented at all times (and by "at all times" I mean that they had evidence presented to the former Select Committee, which met 23 times) and had evidence presented by the council through a solicitor, again the same solicitor, Mr. Toyne. From that time, they have always had legal representation, which has been extended to the extent that they employed one of Australia's leading Queen's Counsel (by that I mean that he is amongst the most knowledgeable in the field of mining law, particularly as it applies to indigenous people in places such as Papua-New Guinea, the New Hebrides, the Northern Territory and elsewhere), and he was a person who brought a great deal to the bargaining table

To suggest anyone with less expertise than that enjoyed by our present Attorney-General would be selling the Government short. When Governments are dealing at high level the expertise must be at that level. Therefore, the State Government used the Attorney-General extensively. Similarly, when matters of mining law, and mining matters generally, were being discussed the Minister of Mines and Energy was deemed to be the most appropriate person to conduct negotiations with the Queen's Counsel, Mr. Castan, representing the Pitjantjatjara, again, in the presence of the Attorney-General as the Government's legal representative.

At no time did I feel slighted to think that people with specific areas of expertise were representing the people of South Australia. In fact, it makes me feel quite proud to see this co-operative venture turn out so well. I hope that that answers effectively the specious criticisms levelled at the Government by the member for Mitchell. I was lightly interested in the comments of the member for Elizabeth, who, while professing some degree of erudition on matters Aboriginal, nevertheless succeeded almost invariably in mispronouncing even the simplest Aboriginal tribal titles, which gave me a strong indication that he was in fact reading (or misreading, I felt) a prepared address. The member for Elizabeth did not have anywhere near his usual fluent approach to debate, and I suspect that he was misreading a prepared piece of material from someone else with interests probably deeper than his own in matters Aboriginal

The former Select Committee, which I believe went to 23 hearings (and here again I am addressing myself to another criticism), had the advantage of having two solicitors on the committee. One of them was the member for Playford and the other was the member for Mitcham, who attended regularly, but for relatively short periods Despite the Select Committee's having the benefit of two solicitors, it failed to discover the many flaws that were inherent in the former Bill that was presented to the House. I say "many flaws", because subsequent advice that was revealed to have been given to the former Government during the time that the Select Committee was in session did in fact alert the former Government to the inherent weaknesses in the legislation before the Select Committee—weaknesses which their own legal representatives pointed out made the Bill, to some extent, unworkable.

So, I do not feel any qualms of conscience in supporting the referral of this Bill to a Select Committee for a second time when I realise that the Chairman of the previous Select Committee in fact suppressed evidence I am assuming that, as a member of Cabinet, he would have been privy to the evidence presented to him by his own legal officers He suppressed evidence Never at any stage did that Minister indicate to members of the Select Committee that perhaps we should have members of the legal profession before us to examine the workability of that legislation.

In hindsight, we can say that subsequent investigations have pointed to a number of weaknesses in that legislation that would have made it very difficult to put it into effect. They were weaknesses that have now been corrected in the present legislation The Opposition seems to be supporting the Bill begrudgingly, despite the fact that this measure is a substantial improvement on the legislation previously presented to us

There was a lot of reference in the speech by the member for Elizabeth to the number of sub-tribes or bands that might now be deprived of their land rights should this legislation pass both Houses I find it strange that he should raise these issues, because the report of the previous working party, which was brought down in June 1978, also ignored these small bands and simply dealt with the major groups that were generally classed as Pitjantjatjara—Pitjantjatjara referring to the language, the Pitjantjatjara-speaking peoples. If the member has any reservations about the rights of those people now, surely he should have expressed them some two years ago when the report commissioned by his own Government was brought down

Of course, no such criticism was addressed to that Bill at that time. In fact, I believe that the current definition of "Pitjantjatjara", as contained in the current legislation, is much more effective and will give better control as to who is accepted as a Pitjantjatjara than the very broad ranging definition in the former legislation.

I should like to refer, although I do not intend to refer to it at great depth, out of deference to the Aboriginal people, to the Malu dreaming; in other words, the kangaroo dreaming. Originally, we were told, the Malu dreaming and the areas sacrosanct to that dreaming extended over a far wider area than the North-West Reserve, extending farther to the south towards the present east-west railway line.

In fact, it was determined subsequently by the Pitjantjatjara people themselves, by their legal counsel and by the members of the working party that has been negotiating the present legislation, that the connections of the Malu dreaming were rather tenuous to the south and that far and away the greatest concentration of sacred sites was in an area that would have been subject to possible claims by the Pitjantjatjara people under the former legislation, but certainly by no means a positive claim By "positive" I mean in the sense that the claim would have been met by either the tribunal or the Government of the day.

Under present legislation and as a result of the past 12 months of negotiations, we have committed the Granite Downs area, where this concentration of sacred sites is, to the present legislation, and I do not think the member for Elizabeth need go much further than the Yankunjatjara people, Mr. Yami Lester's people, to find out the great delight they have expressed at this change in plan, the fact that we now have land to the east included in the Bill instead of that large area to the south. That does not mean that the area to the south is being excluded from calculations It is being considered separately for granting under the Aboriginal Lands Trust Act, to the trust These areas to the south are not lost to the Aboriginal people as the member for Elizabeth seemed to be implying.

**An honourable member:** He's not in the House now, is he?

**The Hon. H. ALLISON:** No; most of the speakers who have had so much to say have departed the scene, which is more than the member for Henley Beach will do in three years time, despite the assurances by the member for

Mitchell. The legislation before us balances the interests of all South Australian people and, as Minister of Aboriginal Affairs, I say that with a great deal of feeling, because, as members of Parliament, we represent not only one specific group of people but all people in South Australia, and this legislation does consider the benefits of all South Australia's people, not only the Pitjantjatjara, who would have been very privileged under the former legislation, but also the other 8 500 Aborigines in South Australia who obtain direct benefit from the current legislation because of the special consideration given to the allocation of royalties. There is a division of royalties under which all Aborigines, as well as the remainder of the people of South Australia of Caucasian and other origins, can benefit. I still have a considerable way to go, and I seek leave to continue my remarks later

Leave granted; debate adjourned

## ADJOURNMENT

**The Hon. H. ALLISON (Minister of Education):** I move:

That the House do now adjourn

**Mr. LEWIS (Mallee):** I rise to refer to a number of matters that have concerned me in recent times, and they relate particularly to the behaviour of members opposite and the people whom they consider to be their supporters, though I sometimes wonder. We know that for them this is the silly season and, naturally enough, that being the case, there is no-one on the front bench or hardly anyone on the back bench except the man whom I have noticed from *Hansard* in recent times selectively quoting disparate interest rates from around the world to try to reflect unfavourably on the Federal Government's present management of the economy It is not only an insult: it is a gross inadequacy in their observance of a respect for the institution of Parliament and, naturally enough, I take it as such

I understand, of course, that members opposite are out busily preparing their speeches for preselection That being the case, it is understandable that they should have taken issue on so many points that are hardly sharp enough to be recognised as an aberration on a straight line, let alone having any pricking effect on any conscience, whether that of a member of this Parliament or of a member of the general public How regrettable it is when it is necessary to resort to such underhand techniques as selectively quoting long-term and short-term interest rates which would indicate, had they been comparable, as was the case with the member for Salisbury, how Australia was unfavourably situated in relation to a number of its trading partners

Of course, such selective quotations, or even quotations that were not selective, would nonetheless not indicate the true picture, because the economic mechanisms chosen by different Governments to control the supply of money and the velocity of the exchange of currency within the economy vary from country to country and, in Australia, where interest rates are used as the mechanism because of its large dependence upon primary industry exports for its balance of payments position, that makes it comparable to countries that use fiscal mechanisms to control the supply of money in their economies, and the interest rates vary accordingly

To illustrate the points that I am making, I seek leave to have inserted in *Hansard* a table from the Commonwealth Parliamentary Library Statistical Service which indicates interest rates over the last 18 months, from January 1979 through to June 1980 They are the most recent figures available to me. I assure the House that the information is purely statistical.

Leave granted

## FIRE BRIGADES ACT AMENDMENT BILL

**The Hon. W. A. RODDA (Chief Secretary):** I move:

That the time for bringing up the report of the Select Committee be extended to Tuesday 3 March 1981

Motion carried

**The Hon. W. A. RODDA (Chief Secretary):** I move:

That the Select Committee on the Bill have power to invite any specially qualified persons whom it may desire to attend any of its meetings in an advisory capacity

The Select Committee decided at its last meeting that Miss Penny Graham, my research officer, can be available to the committee to assist in any research matters that will surely come from a committee of this sort, which will be dealing with many matters that may require quite extensive research.

Motion carried

## PITJANTJATJARA LAND RIGHTS BILL

Adjourned debate on second reading

(Continued from 26 November Page 2311.)

**The Hon. D. O. TONKIN (Premier and Treasurer):** Last evening I made the point that I found it disappointing, as far as the Government is concerned, that the Opposition's approach to this debate had been so marked by pettiness and pique It almost seemed to me that members opposite regretted the Government's ability to sit around a conference table and produce such a measure as that which we have been debating yesterday and on preceding days While the Government appreciates the congratulations which have been heaped on it by the Opposition (and obviously we are very pleased indeed that the proposed legislation has received so much approbation in the community), I do regret the spirit of the remarks in that they could not be more spontaneously translated into support for the Bill.

I must put to rest one other matter: a major theme of the Opposition, which has been repeated time and time again in this debate, was to emphasise the enthusiasm of Don Dunstan for land rights generally and for the former Government's Pitjantjatjara Land Rights Bill This Government has never denied that Don Dunstan was enthusiastic in this particular field, and I am quite certain that in introducing this Bill I gave him due credit for his role in developing the former Government's approach to the question of Pitjantjatjara land rights However, in Government (perhaps I should say especially when one is in Government), enthusiasm must be coupled with responsibility and practicality In some respects the former Government's Bill—

**Mr. Bannon:** What a scandalous—

**The SPEAKER:** Order!

**The Hon. D. O. TONKIN:** It would be an enormous help if—

**Mr. Bannon:** It would be better if the Premier said nothing than saying this sort of thing

**The SPEAKER:** Order! The Premier will resume his seat. It is normal practice, when the Minister in charge of the Bill is giving a summing up to the second reading speech, that he be heard with all due dignity and decorum The veracity of any statements made by a Minister or member in this House is important, and I ask that the honourable Leader of the Opposition does not further intervene in the debate

**The Hon. D. O. TONKIN:** I simply make the point that there has to be responsibility and practicality In some respects, the former Government's Bill, with its provisions enabling claims for non-nucleus lands, its veto over mining, and its pay-out of 100 per cent of royalties, was not unlike the trustees of a sum of money for another person running around with the trust account cheque book handing out signed blank cheques

No matter how sympathetic a Government, a Minister, or a Premier may be to a particular cause, the Government, the Minister or the Premier in dealing with that cause must consider the impact of its or his approach on all of the people for whom he is responsible (in other words, all of the citizens of South Australia), and this is just as much the case with land rights as with any other issue.

Opposition members have also sought to suggest that this Bill, reflecting as it does an agreement that has been reached between the Government and the Pitjantjatjara people, is not particularly significant on that score. They say that the former Government's Bill was fully agreed to by the Pitjantjatjara. I have no doubt that that is true, in the same sense, and to return to the analogy I used earlier of a man, having been handed a blank signed cheque from the trust account of a wealthy beneficiary, is unlikely to knock back that blank cheque This fact must be faced up to by everyone in the community—that the Bill, no matter how noble and enthusiastic its intentions were, contained major deficiencies which, as well as being drawn to the Government's attention by its own legal advisers, were recognised by the Pitjantjatjara Council and its legal advisers

Much of the discussions that went on, once agreement had been reached on the fundamental issues of the Pitjantjatjara Land Rights Bill, went on with legal officers trying to find some way of making the provisions work, and ensuring that they could be worked, and that they were practical and not open to challenge I again pay a tribute to all those legal officers, namely, Mr Phillip Toyne, and his assistants, and the legal officers from the Crown who worked so hard, because they put much time and effort into finding workable solutions to the difficulties, solutions that were not in the original Bill

It is important to reflect on how the Bill has been drawn up, compared to the way in which the previous Bill was drawn up A working party was established with terms of reference requiring it to determine how the Pitjantjatjara community could be granted freehold title to its lands The report contained a series of recommendations, intended to be drafting instructions for a Pitjantjatjara Land Rights Bill The point was that the original Bill ultimately introduced into the House differed significantly from the working party's proposals I do not know what it was that changed matters I suspect that there were some thoughts, perhaps second thoughts, which the former Premier or some of his advisers had, which went into the Bill instead of the recommendations

But, on such matters as the definition of the Pitjantjatjara, the structure and the operation of Anangu Pitjantjatjaraku, the description of lands covered by the Bill, the application of the Mining Act and Petroleum Act, and environmental and land use controls, there are substantial differences between the proposals of the working party and the former Government's Bill That being so, I can only reflect that, if we say that the former Government's Bill was negotiated with the working party, as a negotiator, that does not accurately represent the facts

I will refer now to a few other comments made by the Opposition In doing so, I say again that I find it surprising that, given the process that produced this Bill, there has been so much emphasis on its alleged shortcomings

Perhaps, given the inadequacies of the measure it produced, the Opposition feels that this is the only way it can go

One criticism made by the member for Spence and the member for Elizabeth is that the Anangu Pitjantjatjaraku will have only one opportunity to comment on exploration and mining proposals, and that is prior to the granting of an exploration licence I recall listening to the member for Elizabeth pointing out that the Pitjantjatjara Council would be obliged to make a decision on whether or not to let an exploration team on to their lands before they knew whether the exploration team was going to find anything That, really, was taking things too far Even the member for Elizabeth would not expect anyone, whether it be the Pitjantjatjara people or, indeed, any South Australian, to be able to tell what was under the ground before the exploration actually occurred I think that he meant well, but he did not get his point across very well The assumption that seems to have been drawn comes from the conclusion that the Pitjantjatjara are, therefore, required to deal with proposals on an ambit basis; in other words, without really knowing or understanding what they are giving approval to, because exploration might lead to major and possibly disruptive mining ventures. Whatever the truth of that, that view rests on a misconception

The procedures in clause 20 regarding access for mining purposes operate in conjunction with the granting of tenements Members are no doubt aware that the Mining Act and Petroleum Act make provision for the granting of exploration and production leases, and that it is not lawful for the holder of an exploration licence to undertake commercial operations but, for such operations to commence, a production licence must be obtained This point was overlooked by the Opposition The granting of an exploration licence does not give automatic approval for the progressing of actual development.

In the event that exploration indicates the potential for commercial development and, therefore, when a production licence becomes necessary, new permission must be sought from the Anangu Pitjantjatjaraku This is made clear by 21 (2), which provides:

> A mining tenement shall not be granted in respect of the lands or a part of the lands except to a person who has permission to carry out mining operations on the lands under this Division, but this Act does not prevent the taking of any step under the Mining Act or the Petroleum Act antecedent to the grant of a mining tenement.

In other words, this Bill does not require the Anangu Pitjantjatjaraku to give their consent to developments the dimensions and impact of which are unknown On the contrary, because of the provisions contained in clause 20, in particular the requirements of disclosure by applicants to the Pitjantjatjara, and the provision to which I referred earlier, the Bill seeks to ensure that any consent granted by Anangu Pitjantjatjaraku is made in full knowledge of all of the available facts In other words, the reservations and concerns that the Opposition has expressed are expressly covered in those clauses

The member for Spence and the member for Elizabeth sought to criticise the definition of Pitjantjatjara. The definition contained in this Bill is far more specific than is the definition contained in the previous Bill. I am not particularly concerned that someone can come up with a better definition, but it must be a precise one In particular, this definition identifies the three tribal groups that inhabit the lands. It recognises, in a way that the former Government's Bill did not, that a member of these tribal groups can be a traditional owner of part of the lands without being a traditional owner of all of them Thus, the existence of traditional use of specific areas of the land is recognised and, indeed, must be accounted for by means of the requirements imposed on the Anangu Pitjantjatjaraku to consult such traditional owners before authorising proposals relating to their lands Those members also criticised the lack of appeal from a court of summary jurisdiction concerning the exclusion of people from the Mintabie opal field

I know that you, Mr. Deputy Speaker, in your contribution to this debate expressed some very proper concerns that have been held by members of the Mintabie community. I am happy to report to the House that there have been negotiations between the Pitjantjatjara Council representatives and representatives of the Mintabie Miners Association and the community, and that progress is being made quite steadily towards a proper solution of those difficulties, but it is absolutely essential to understand that the reports of the meeting that were in the daily press did not cover the progress which had been quite positively made in reaching a resolution of those problems Nevertheless, I am quite convinced that a solution to those problems can and will be found by a measure of consultation similar to that which occurred in the initial stages of the talks between the Government and the Pitjantjatjara Council

Regarding the appeal in relation to any such order relating to exclusion of people, the right of an aggrieved person to seek relief by means of the prerogative writs for denial of natural justice or error of law on the face of the record, and so on (in other words, the general things), it is the Government's hope that the use of these provisions will not be necessary because of the willingness of people living at Mintabie to abide by the provisions of the legislation, subject to the solutions which we are looking for and which will be satisfactory to both sides being found

I have already said that the press reports of the meeting at Mintabie on Monday 24 November are at variance with the reports that we, as a Government, have received as to the progress of that meeting, not in any distortion but simply in the lack of reporting of the entire story It may well have been a noisy meeting, but the reporting did not point out that both sides of the situation believe that substantial progress is being made in those discussions. I would like to make clear that I am not in any way reflecting on the press, because they were not at that meeting but were responding to a press release that was prepared at the time

Real progress is being made, and it is being made behind the scenes It will not necessarily be trumpeted out into the public arena at this stage until an agreement has been reached That was exactly the sort of situation that applied in the early stages of negotiations on this Bill

The member for Elizabeth referred to the risk that the arbitrator's decisions might become a highly politicised issue. As is the case with Mintabie, the Government is confident that the consultation provisions of the Bill will ensure that resort to the arbitration procedures is rarely, if ever, necessary In this regard, it is well worth noting that the national interest provisions in the Northern Territory legislation have never been invoked

The Opposition has expressed surprise that the Minister of Aboriginal Affairs was not the only Minister involved in negotiating the Bill. I dealt with that to some extent last night and I made the point, in answer to some vaguely veiled criticism, that this is the first Government that has ever appointed a separate portfolio of Aboriginal affairs, and I believe that that is because we acknowledge the need to do something not only to recognise the importance of the Aboriginal community as part of the South Australian community as a whole but also to ensure that measures

such as this Bill can be properly prepared and presented

The fact is that the Minister of Aboriginal Affairs, contrary to the suggestions of honourable members opposite, was very closely involved in the discussions that led to the preparation of this Bill, but it would have been absolutely impossible not to have involved in this major piece of negotiation and legislation all Ministers who might be involved One could almost say that this was a Cabinet negotiation Not all Ministers took part, but the majority of Ministers at some stage had a great interest in this Bill, and many of them had a contribution to make

The involvement of the Minister of Mines and Energy was obviously necessary because of the interaction of this Bill with the Mining and Petroleum Acts The Attorney-General became involved because of the legal points that arose with regard to the incorporation of Anangu Pitjantjatjaraku and the transfer of title to Granite Downs The Minister of Lands was not involved in meetings, but was involved because of the effect of the Bill on existing pastoral leases and because of the need for the vesting clauses to operate effectively and without the need for an expensive survey The Minister of Transport was similarly involved because of the provisions regarding roads, and particularly the Stuart Highway The Chief Secretary was involved with regard to questions of law enforcement at Mintabie The Government believes that, because of the widespread interest and involvement of Ministers whose departments are affected by the Bill, we have produced a sound measure, more than adequate to deal with the questions that are likely to arise with regard to the use and management of the lands

Finally, I point out that much of the Opposition's criticism relates to drafting. No Bill is ever perfect, and I would be the first to accept that, but the member for Elizabeth's comments and admissions on the Securities Industry Act Amendment Bill yesterday evening are testimony enough to that However, in regard to this Bill, no effort has been spared to make it as near perfect as possible, and in so doing to reconcile the interests of the people of South Australia as a whole and the Pitjantjatjara peoples in the State's north-west As the member for Mitchell has said, and he was quite correct, there was at times some hard bargaining The Government would have failed in its duty to the citizens of this State just as the Pitjantjatjara Council representatives and their advisers would have failed in their duty to their people if they had not approached key aspects of the negotiations with determination

However, at all times the negotiations were approached in a spirit of respect for each other's point of view and of wanting to achieve an outcome that could work, and, once the approach to a specific issue was agreed, great care was expended in finding the right words and the right way of expressing the meaning of the agreement It is the Government's belief, which I believe is shared by the Pitjantjatjara Council, that the Bill is more than adequate to deal with any matters which it is likely to be required to resolve.

I believe that the introduction of this Bill and its passage through the second reading stage will turn out to be a landmark in the history of South Australia, if not Australia I am confidently looking forward to the Bill's passage and its consideration by a Select Committee of the House, and I look forward with a great deal of anticipation to the day when it will be reported back from the Select Committee and accepted by this Parliament That will really be a day in the history of Australia

Bill read a second time and referred to a Select Committee consisting of Messrs. Abbott, Billard, Gunn, Payne, and Tonkin; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Tuesday 3 March 1981.

## ABORIGINAL LANDS: HUNDRED OF KATARAPKO

Adjourned debate on the motion of the Hon H. Allison:

That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, sections 83 and 84, Weigall Division, Cobdogla Irrigation Area, hundred of Katarapko, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto

(Continued from 23 October. Page 1392.)

**Mr. ABBOTT (Spence):** I support the motion, which seems a very sensible one Sections 83 and 84, which have been renumbered, are located adjacent to section 80. Section 80 was vested in the Aboriginal Lands Trust in November 1978, and contained 1 265 hectares. The motion now seeks to vest sections 83 and 84 in the Aboriginal Lands Trust pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975.

I can recall that the member for Chaffey, now Minister of Water Resources, Minister of Irrigation, and Minister of Lands, was a little difficult when the Hon Ron Payne, as Minister of Community Welfare, moved in this House to vest section 80 in the Aboriginal Lands Trust The member for Chaffey said at that time that, if he were to support the motion, he would want an assurance from the Minister of some guarantee that the Gerard Reserve Council would receive a 99-year lease back from the Aboriginal Lands Trust, with the right of renewal on the expiry of that lease He believed that that provision should be written into the motion The present Minister can be assured that I will not be so demanding

In the motion, the Minister pointed out that the permanent residential population of Gerard is dependent at present on farm and irrigation activities. He also said that the population was growing, and that it was more than 125 in October 1978. Can the Minister give the present Aboriginal permanent residential population at the Gerard Reserve? Can he explain to what extent agricultural and horticultural expansion is being contemplated, and how many young people are being trained in those skills? If the Minister can answer those questions, I shall be pleased to support the motion

**The Hon. H. ALLISON (Minister of Aboriginal Affairs):** The information which the honourable member seeks is on file in my office downstairs. It was removed from the Chamber last night, but I thought I had it with me I will be prepared to make the information available to the honourable member privately in a few minutes time, if that is satisfactory

Motion carried.

## ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading

(Continued from 26 November Page 2284.)

**The Hon. J. D. WRIGHT (Adelaide):** In presenting the Bill, the Minister explained that it was a short Bill However, although that is so, I think it is of major significance I do not profess to having great knowledge of road rules, but the information given the Minister