

22 November 1978

## HOUSE OF ASSEMBLY

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The **SPEAKER**: Order! The honourable member is now commenting

Mr. **WOTTON**: I ask the Minister why the Government has not used part of the \$560 000 000 untied grants from the Federal Government to make up the leeway in this funding

The **Hon. R. G. PAYNE**: The matter is of considerable importance and, although I am tempted to reply in the same manner as the question was put, I will refrain from doing so. I will obtain a report from my colleague in another place on this policy question.

## ADULT MATRICULATION

Mr. **ALLISON**: Can the Minister of Education say what he has done to allay the fears of members of the Further Education Department staff regarding the inquiry at present being made into adult matriculation courses within the Further Education Department? I am sure the Minister will have received many letters expressing concern about this, just as I have. In particular, they have pointed out that there is no South Australian Institute of Teachers involvement, there has been little lecturer input, the terms of reference of the committee have not been published, and there has been no call for submissions, despite the fact that redeployment of staff is involved, the committee members seem to be sworn to secrecy, and the possible closure of the adult matriculation centres is involved.

The **Hon. D. J. HOPGOOD**: I am afraid the honourable member has been completely misled by the people who have approached him on this matter. No inquiry is going on into adult matriculation courses. Some time ago some of my officers met with members of the Treasury to look at the forward planning commitments of the Further Education Department. Adult matriculation was one of the matters which was discussed, along with many other things, because adult matriculation is one of the most important programmes run by the Further Education Department. Apprenticeship was examined, as was the whole of the stream 1 and 2 courses. This was a briefing session for Treasury officers to assist them in the forward planning that has had to be done for next year's Budget. That is all it is. The suggestion that the Institute of Teachers should be involved in what is purely an internal matter to assist Treasury officers in determining the needs that are going to be put on them when I make my bid to the Treasury next year for funds seems to me to be a little unusual.

In the process of the department's preparing some material for Treasury officers, one of the Director-General's officers contacted some of the principals of the Further Education Colleges for some information, and one of those principals, again obviously misunderstanding the nature of the exercise, alerted the institute, which in turn discussed the matter with me. I made clear to them that that is not the sort of exercise that they had envisaged, and therefore representation outside of my officers and officers of the Premier's Department seems to be inappropriate. No final decision has been taken: that was not the nature of the exercise at all.

At 3.10 p.m., the bells having been rung:

The **SPEAKER**: Call on the business of the day

## POLICE PENSIONS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment

## HUNDRED OF KATARAPKO

The Legislative Council intimated that it had agreed to the House of Assembly's resolution

## HUNDRED OF BONYTHON

The Legislative Council intimated that it had agreed to the House of Assembly's resolution.

## PITJANTJATJARA LAND RIGHTS BILL

The **Hon. D. A. DUNSTAN** (Premier and Treasurer) obtained leave and introduced a Bill for an Act to vest in all those groups of people known as Anangu Pitjantjatjaraku title to those parcels of land known as Pitjantjatjara lands upon and subject to the provisions of this Act; and for other purposes. Read a first time.

The **Hon. D. A. DUNSTAN**: I move:

*That this Bill be now read a second time*

This is a historic measure, the explanation of which is lengthy. It is proposed to leave the Bill on the Notice Paper and to debate it in February. I seek leave, therefore, to have my second reading explanation inserted in *Hansard* without my reading it.

Leave granted

## Explanation of Bill

Of the many considerations leading to the drafting of this Bill the most important lies in the representations made by the Pitjantjatjara. In May 1977, members of the Pitjantjatjara Council requested freehold title to the lands described in this Bill. They specifically requested the formation of a Pitjantjatjara land holding entity.

In response to these representations the Bill seeks to establish such a land holding entity, to be designated Anangu Pitjantjatjaraku—meaning simply "the Pitjantjatjara Peoples". The Bill gives full legislative support to the clear aspirations of the Pitjantjatjara, not only to own, but to control, their own lands.

Honourable members may ask why such support cannot be given under existing legislative and administrative provisions, and what considerations justify the establishment of fresh legislation.

In the first place legislation is needed to encompass satisfactorily the diverse and sometimes novel considerations embodied in the reality of Pitjantjatjara ownership. Honourable members will be aware that I established a Working Party in April 1977 to advise, *inter alia*, on the need, if any, for new legislation. The Working Party was at pains to integrate into its recommendations presented to me on 9 June 1978, not only the aspirations and the instructions of the Pitjantjatjara people, but their traditional view of ownership. The Pitjantjatjara say that the whole of Pitjantjatjara land belongs to all Pitjantjatjaras. Given the acceptance of this notion by the Government, it would not have been sufficient simply to issue title under the Real Property Act as this would have left unresolved questions as to who was a Pitjantjatjara, and what, if any, special rights and responsibilities needed to be spelt out in order to render ownership as close as

possible to the Pitjantjatjara notion and at the same time to take into account the context of a modern, western, State.

In the second place the Pitjantjatjara people specifically sought an alternative to the existing Aboriginal Lands Trust Act. The provisions of this Act were explored at my request by the Working Party as to their applicability to the Pitjantjatjara case. The Pitjantjatjara have made it clear 'however' that ownership of the North West Land should rest solely in the hands of the traditional people actually living on North West Lands or who have traditional attachments to them. The present Bill recognises the principle advocated by Mr Justice Woodward in his Aboriginal Land Rights Commission's Second Report, which asserts that such links with the land should be preserved and strengthened. Moreover, the very size of the North West Lands land; their function in supporting a scattered but culturally homogenous group; their remoteness and separation from urban interests, aspirations, and cultures all add credence to the need of creating a new land holding entity.

In the third place the Bill seeks to perform what Justice Woodward has called, in the Northern Territory context, an act of simple justice. I am sure that all reasonable South Australians would agree that after land alienation on the massive scale seen since first settlement, the restitution of the comparatively little land remaining to its original owners would seem the only principled course to adopt. Moreover the present Bill may be seen as a means of rationalising the diverse forms of tenure attaching themselves to the lands scheduled in this Bill, and at the same time providing a form of tenure consistent with that being now proposed in the Northern Territory as a result of Commonwealth initiatives.

In fact honourable members may be assured that the provisions of the Bill are fully compatible with those applying under the Northern Territory Lands Act—though I am convinced that our provisions are simpler, accord more fully with the traditional notion of ownership, and provide a better basis for the future. Furthermore the provisions of this Bill will give South Australia an honourable place in international eyes with regard to the relation of Government to the treatment and status of ethnic minorities.

The policies implicit in the Bill contradict the widely held notion that the North West Lands are 'wasted'. To those honourable members who may take the view that the Aboriginal people have failed to put to good use their traditional lands—specifically the North West Lands—I commend, for their attention, the eloquent and concise explanation of the relationship between the Pitjantjatjara and their lands, contained in pages 20 to 37 inclusive of the Report of the Pitjantjatjara Land Rights Working Party.

The Bill recognises, perhaps in all too modest degree, the fundamental and inalienable role that the Pitjantjatjara play in the heritage of this State. This Government is no smoother of dying pillows: on the contrary what is valuable and irreplaceable in our heritage must be strengthened and given all reasonable encouragement.

To turn more directly to the Bill itself there are some six aspects which, before looking at the Bill in detail, I should like to draw to the attention of honorable members:

#### 1. Access

The Bill recognises that if the principle of ownership is to mean anything it implies that access must be restricted. In practice there are three classes of people involved:

- (1) the Pitjantjatjaras for whom no restrictions apply
- (2) certain public officers in the course of execution of statutory duties, on whom the Bill confers automatic rights of entry, and

- (3) other non-Pitjantjatjaras for whom entry is restricted to permit holders

#### 2. Mining

The Bill places special restrictions on the right of miners to enter upon the lands and to obtain mining tenements.

The Bill seeks to give to the Pitjantjatjara the right to refuse consent to any miner to enter the land or to carry on any mining activities, except upon conditions imposed jointly by the State Government and the Pitjantjatjara. Any such mining activity would come under the control of the Mining Act, the Petroleum Act, and the Mines and Works Inspection Act. The Bill removes the necessity for the Pitjantjatjara to establish to the satisfaction of the Wardens Court what other private owners are obliged to do, namely to show that "the conduct of mining operations upon the land would be likely to result in substantial hardship".

The Bill however confers no greater rights of veto upon the Pitjantjatjara than that.

The Bill while not removing the ownership of minerals from the Crown, provides for the payment of all royalties upon minerals extracted from the lands, to the Pitjantjatjara. The Bill makes what the Government believes to be adequate and reasonable provisions regulating relationships between the Pitjantjatjara and mining interests, in the event of major mineral or associated activities.

#### 3. Individual Rights

The Bill provides redress for individuals or groups of Pitjantjatjaras against decisions of the land holding entity which may be contrary to their interests. Such individuals or groups have rights of appeal to the Local and District Criminal Court in the event of a decision or action which infringes upon the rights conferred by the Bill.

#### 4. Environmental Control

The Bill recognises that certain parts of the North West Land are pastoral or quasi pastoral lands. It also recognises that there may be from time to time need for special environmental measures in accordance with wise conservation and land management considerations. Honourable members should note that existing instrumentalities concerned with such matters will continue to play their respective roles under the provisions of the Bill.

#### 5. Land Claims

Provision is made in the Bill for establishment of a Tribunal in the event of the Pitjantjatjara claiming non-nucleus lands, or lands outside those scheduled under the provisions of this Bill. The proposed constitution, and responsibilities of the Tribunal are fully set out in part III, Division V of the Bill.

#### 6. Scheduled Lands

The terms of reference of the Working Party required it to consider nine separate areas of land namely:

- the North West Reserve
- Ernabella
- Kenmore Park
- Indulkana
- Mimili
- The Unnamed Conservation Park
- Unallotted Crown Land (formerly Maralinga Prohibited area)
- Defence Reserve (Maralinga)
- Yalata

In scheduling the land, the Bill takes account of the recommendations of the Working Party dividing the lands into two categories namely Nucleus and Non-nucleus lands. The Nucleus lands are those lands which form the basis of entitlement, under provisions of the Bill, to membership of Anangu Pitjantjatjaraku—the Pitjantjatjara Peoples—the land holding entity proposed. Non-

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other than upon the recommendation of Anangu Pitjantjatjaraku

Mr. ALLISON secured the adjournment of the debate

**STATUTES AMENDMENT (REMUNERATION OF PARLIAMENTARY COMMITTEES) BILL (No. 2)**

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Parliamentary Salaries and Allowances Act, 1965-1974; the Constitution Act, 1934-1978; the Public Accounts Committee Act, 1972-1974; and the Public Works Standing Committee Act, 1927-1975; and to repeal the Statutes Amendment (Remuneration of Parliamentary Committees) Act, 1978.

The Hon. D. A. DUNSTAN: I move:

*That this Bill be now read a second time*

This Bill is designed to provide for an increase in the remuneration of members of Parliamentary committees by approximately 45 per cent. While this is a substantial increase, it is now some considerable time since the last increase in remuneration for members of Parliamentary committees, and the increase is justified having regard to increases in general levels of remuneration that have occurred throughout the community since the date of the last adjustment. It approximates the amounts by which the payment for Government boards and committees outside Parliament have increased during that period.

In a Bill passed earlier this year it was proposed that the remuneration of committee members should be fixed by the Parliamentary Salaries Tribunal. The amending Act has not as yet been brought into operation. In view of the fact that the levels of remuneration will, if the present Bill is passed, be in line with current levels of remuneration in the general community, it is proposed to repeal the former amending Act. Instead, provisions are inserted by the Bill in the relevant Acts providing that the remuneration of committee members will vary in proportion to the basic salary from time to time payable to members.

The Bill does not deal with the Land Settlement Committee or the Industries Development Committee, as fees in those matters are fixed by proclamation, and not by Statute. The remainder of the explanation is formal. I point out that the provisions of the Bill increase the Public Accounts Committee's fees more than by the simple addition of the 45 per cent, because it brings the Public Accounts Committee into line with the remuneration of the Public Works Standing Committee. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted

**Explanation of Clauses**

Clauses 1, 2 and 3 are formal. Part II removes the present power of the Parliamentary Salaries Tribunal to recommend variations in committee salaries. Part III provides that the Chairman of the Joint Committee on Subordinate Legislation shall receive a salary of \$2 800 per year and the members a salary of \$2 000 per year. Part IV provides that the salary of the Chairman of the Public Accounts Committee shall be \$3 600 per year and the

salary of a member \$2 500 per year. In this particular case, the proportionate increase is greater than for the other committees. However, the Government believes that in view of the increasing workload of the Public Accounts Committee in recent years, the remuneration for the Chairman and members of this committee should be the same as for the Public Works Standing Committee.

Part V provides that the salary of the Chairman of the Public Works Standing Committee shall be \$3 600 per year and the salary of a member \$2 500 per year. In the case of some committees, remuneration of members is fixed by the Governor. It is intended that, if this Bill passes, comparable alterations will be made in the remuneration of the members of those committees by an appropriate executive act.

Dr. EASTICK secured the adjournment of the debate

**PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL**

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. D. A. DUNSTAN (Premier and Treasurer): moved:

That I have leave to introduce a Bill for an Act to amend the Parliamentary Superannuation Act, 1974-1978

Mr. MILLHOUSE (Mitcham): I want to speak briefly on this motion for leave to introduce the Bill, because I am opposed to it. In my view, there is no need whatever to alter the Parliamentary superannuation scheme. The Act that embodies that scheme was last amended last March, only about six months ago, and it was towards the end of that session. Here, we have now within only about six months another amendment which I understand is to be pushed through the House today. I protest most vigorously at that, and this is the first opportunity I have in the formal procedures of the House to do so.

I have, as is known, seen the Bill, and I am also opposed to its contents (but I will not go into that matter now). I merely say that, because I believe the contents are quite unacceptable and should be unacceptable to a majority of members of the House, because of the haste with which I understand it is intended to push the Bill through so that the whole matter is out of the way when we get up for Christmas, and because it is only six months since we last fiddled with this matter, I do not believe that leave should be granted.

Question—"That the Premier have leave to introduce the Bill"—declared carried.

Mr. MILLHOUSE: Divide!

*While the division was being held:*

The SPEAKER: There being only one member on the side of the Noes, the question passes in the affirmative. Motion thus carried.

Bill introduced and read a first time.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

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

The formula upon which superannuation benefits for members who have during their Parliamentary career occupied Ministerial or other Parliamentary offices attracting additional salary has a number of defects. These defects were drawn to the attention of the Government, a report from the Public Actuary was obtained, and he pointed out the nature of the defects.