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Minister to answer the question I put to him as to whether the Government will—

The **SPEAKER**: Order! I am unable to ask the Minister to answer the question whilst the honourable member remains on his feet.

The **Hon. P. B. ARNOLD**: Yes, I have seen the report in the paper to which the honourable member referred. I will refer the matter to the Acting Minister of Agriculture and ask him to take up the matter with the Director-General of Agriculture and determine whether or not any discussions have been held with the appropriate department in Victoria, because I recognise the importance of the matter that he raises. I will get the Acting Minister of Agriculture to bring down a report for the honourable member

department which had been carrying them out, I should say that day-to-day supervision of the Forensic Biology Department at the I M V S is not normally undertaken by senior officers of the institute, nor would such experiments in the normal way be referred to a Minister. This was a normal scientific investigation and would not normally attract publicity. The report in the *News* is accurate, according to the information I have received from the institute

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

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

NORWOOD UNION CLUB

Mr. **CRAFTER**: Can the Minister of Recreation and Sport say what progress has been made on the development of an area of land at the rear of Glenside Hospital as an oval for the use of the Norwood Union Sports Club and generally for use in community recreation, particularly for nearby schools, which have suffered from a lack of recreation space? I wrote to the Minister about this matter on 8 July this year and have received no reply. I rang his Director about a month later and was told that the Minister was concerned about the matter and that I would be contacted shortly. I have received no further reply.

The **Hon. M. M. WILSON**: I think the honourable member is referring to the area known as Brookway Park.

Mr. **Crafter**: No.

The **Hon. M. M. WILSON**: That was the alternative. The problem in finding premises for the Norwood Union Football Club has been occupying the attention of several members, not just me, and in particular the Premier has been interested in the matter, as has been the Minister of Community Welfare. I can only say that we are still trying to find a way of providing an area for the Norwood Union Football Club and, as soon as a decision has been made, we will let the honourable member know.

MINISTERIAL STATEMENT: DINGO EXPERIMENT

The **Hon. JENNIFER ADAMSON (Minister of Health)**: I seek leave to make a statement.
Leave granted.

The **Hon. JENNIFER ADAMSON**: As soon as I heard the member for Napier ask a question of the Minister of Environment, regarding a report in today's *News* about tests carried out with a dingo in relation to the possibility that the baby alleged to have been taken by a dingo at Ayers Rock and whether that could or could not be used as evidence, I asked for a report from my officers.

I have been advised that these tests were carried out by the Forensic Biology Department of the I M V S at the request of the Northern Territory Police. The goat which was dressed in baby's clothing was dead. The test was carried out to establish the amount of mauling that would be evident on the baby's clothing and to establish whether saliva on the original baby's clothes originated from dingoes. Officers of the Forensic Biology Department have been working with the Northern Territory Police since the beginning of the case and have carried out on-site tests at Ayers Rock.

In respect of the member for Napier's question of the Minister as to whether he was aware of the tests, presumably asked in the belief that it may have been his

PITJANTJATJARA LAND RIGHTS BILL

The **Hon. D. O. TONKIN (Premier and Treasurer)** obtained leave and introduced a Bill for an Act to provide for the vesting of title to certain lands in the people known as Anangu Pitjantjatjaraku and for other purposes. Read a first time.

The **Hon. D. O. TONKIN**: I move:

That this Bill be now read a second time

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, representing the tribal Aborigines that are traditional owners of the lands in the North-West of the State, to be vested by the Bill.

The fact that agreement has been reached on such a potentially difficult question has been hailed in many quarters. We believe that the main significance of this agreement is in three parts. First, the tribes that comprise the Pitjantjatjara for the purposes of this Bill are given the means to protect and preserve their culture. In this regard, it was clearly demonstrated during the negotiations that this culture is still largely intact. Secondly, it demonstrates that representatives of the Government and the Pitjantjatjara Council were able to sit around the conference table and resolve a great range of matters related to the transfer of land to the Pitjantjatjara people and its subsequent management. Thirdly, it demonstrates that with respect to exploration and mining on these lands, with which the Pitjantjatjara have a traditional association, clear guidelines can be established to achieve the proper balance between their interests, and those of the entire South Australian community. In other words, we believe we have demonstrated that a willingness to talk, accompanied by an ample fund of patience, can lead to a solution of even the most intractable problems that exist between the Aboriginal and European communities in this State and, indeed, this nation.

The history that led to the commencement of the negotiations leading to this agreement is probably well known to members. The former Government had intended to vest some of the lands in the North-West covered by this Bill in the Aboriginal Lands Trust on behalf of the Pitjantjatjara. However, this course was not entirely acceptable to the Pitjantjatjara, who wished to be more directly involved in the ownership and control of

their lands. Accordingly, the then Government established the Pitjantjatjara Land Rights Working Party whose recommendations formed the basis of the Pitjantjatjara Land Rights Bill introduced by former Premier Dunstan.

The key features of that Bill were the creation of a power to vest "nucleus" lands in the Pitjantjatjara, establishment of a tribunal to hear and determine claims by the Pitjantjatjara to non-nucleus lands, and the conferring upon the Pitjantjatjara of a veto power over exploration and mining. Generous and well intentioned though that Bill may have been it was unworkable.

The Government's legal advisers suggested that it preempted the operation of the Mining and Petroleum Exploration Acts, which could have caused insurmountable difficulty in the event of any exploration or mining being allowed to go ahead. It was also legally difficult to identify how a binding undertaking could be obtained from the Pitjantjatjara with regard to exploration and mining operations in the first place. Apart from these exploration and mining considerations, the Bill also created unacceptable uncertainty for adjacent landholders because of the provisions allowing claims to non-nucleus lands.

In these circumstances, when it came to office, the Government resolved not to proceed with the former Government's Bill. Rather, the whole question of land rights for the Pitjantjatjara people was reopened. While initially this exercise was undertaken within its own ranks, as the Government's approach developed, steps were taken to involve all interested parties. A group of Government members of Parliament met with representatives of the Pitjantjatjara Council late last year. As a result of this on-going consultation, the Government took the view that the Pitjantjatjara should be granted the so-called "nucleus lands" as identified in the former Government's Bill and that adequate protection should be provided for sacred sites outside those lands.

These considerations were reflected in an announcement regarding exploration in areas outside the so-called nucleus lands in February this year. It is, to use the phrase, now history that this announcement led to representatives of the Pitjantjatjara Council travelling to Adelaide and the commencement of the detailed negotiations that have produced this Bill. I do not propose to canvass in detail these negotiations. However, two things became clear very early in discussion. One was 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 as acceptable as possible to them. The other was that the pastoral property known as Granite Downs was of great importance to the Pitjantjatjara Council. Once these points were clarified negotiations proceeded in a positive and painstaking way.

While not wanting to dwell, on the content of the negotiations, I would like to say something about the approach that was used in the hope that it may be of assistance elsewhere. The most visible features of the negotiations were the meetings held every month or so between Ministers (usually myself, the Deputy Premier, the Attorney-General, and Minister of Aboriginal Affairs) and their advisers, including interested members of this House, and the Pitjantjatjara Council and its advisers. However, in some respects these were only the tip of the iceberg.

In the early stage of the negotiations the Government assembled a group of officials which advised it between these meetings as to its options with regard to the approach it should take or the response it should offer. This group was broadly based and comprised representatives of the Office of Aboriginal Affairs and the

Departments of Environment, Crown Law, Mines and Energy, Premier and Lands, and the Deputy Premier's Office. Later, as the negotiations crystallised, a smaller group of officials from Crown Law, the Department of Mines and Energy and the Deputy Premier's office assisted Ministers and conducted negotiations on matters of detail. Throughout this process a dialogue was maintained by the Government with the United Farmers and Stockowners Association and the South Australian Chamber of Mines.

As proposals for Granite Downs and the Mintabie opal field were developed, discussions were held with the lessees of the property and with the Mintabie Progress Association. Mintabie is a part of Granite Downs and will be dealt with later. For its part, the Pitjantjatjara Council representatives held regular discussions with the communities on the lands, explaining the negotiations to them and seeking further instructions. The purpose of emphasising these various forms of consultation is that we believe that, as a result, the negotiations have produced a Bill that has received wide public acceptance. It anticipates many of the problems that might arise in the future. For instance, roads, which were not dealt with at all by the former Government's Bill, are dealt with comprehensively in the Bill before the House today.

Before dealing with the structure of the Bill, I wish to pay tribute to my Ministerial colleagues, the local member, our advisers and those outside groups with whom we discussed the Bill for their patience and assistance. I also wish to pay tribute to the members of the Pitjantjatjara Council and their advisers. Their willingness to discuss their views in detail and give careful consideration to the Government's point of view, if not always agreeing with it, was of great importance in ensuring the successful outcome of the negotiations. Indeed, the fact that this Bill is before the House today is a great credit to all concerned.

The body corporate which is established in the Bill, the Anangu Pitjantjatjaraku, is set out in the structure and content of the Bill. The lands defined in the first schedule will be granted to Anangu Pitjantjatjaraku, the body corporate which is established by the Bill and comprises the Pitjantjatjara as defined in the Bill. The grant will be in fee simple and will be inalienable. While there is a requirement that present interest holders in relation to those lands give their consent, it is expected that this will be a formality. Special provisions are included relating to Granite Downs reflecting the present occupancy of that land as a pastoral lease, and provision is made for the Crown's reversionary interest to vest in the Pitjantjatjara subject to the present lessee's right of occupancy continuing for the balance of the terms of the various leases which expire between 1996 and 2008.

The Bill provides for the control of access to the lands. In the case of access for purposes other than exploration and mining an application for permission to enter must be made to Anangu Pitjantjatjaraku.

Exemptions from the requirements of this section are provided for the police, certain officials, members of Parliament and genuine candidates, the lessees of Granite Downs and their families, employees and visitors, and entry in case of emergency. Special additional provisions are included in the Bill with respect to the Mintabie opal field. The provisions regarding access for purposes of exploration and mining are, as one would expect, more complicated.

The scheme in this regard in the Bill provides that—companies whose application for a mining tenement has been accepted for consideration by the Minister of Mines and Energy will negotiate with Anangu Pitjantjatjaraku

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Jaraku as to the terms and conditions under which they could enter the lands; if agreement is reached with Anangu Pitjantjatjaraku, the Minister will proceed to the granting of a tenement; in the event of disagreement or if no agreement has been reached at the end of 120 days, the dispute may be referred by the applicant to an arbitrator who will be a judge of the Supreme Court of a State or Territory, or the Federal Court of Australia, or the High Court of Australia, and the arbitrator will determine the dispute, having regard to the effect of the grant of the mining tenement on, *inter alia*, the preservation and protection of the Pitjantjatjara and their culture and their wishes as to the development of the lands, the suitability of the applicant, the preservation of the natural environment and the economic and other significance of the proposed operations to the State and the nation. The arbitrator's decision will be binding on the applicant, Anangu Pitjantjatjaraku and the Government.

One aspect of the Bill that should be mentioned in this context is the provision that it makes for compensation payments that may be negotiated by a mining company with the Pitjantjatjara should exploration and mining be allowed. As part of their negotiations with Anangu Pitjantjatjaraku, mining companies may agree to make payments to Anangu Pitjantjatjaraku, but only if those payments are reasonably proportioned to the disturbance to the lands, the Pitjantjatjara people and their way of life that has resulted or is likely to result from the granting of the mining tenement. Indeed, the Minister is required to refuse to grant a tenement, or cancel it if it has already been granted, if payments are made otherwise than in accordance with the provisions of the Bill.

On the other hand, the Bill provides that, subject to an upper limit to be fixed by regulation, any royalties received by the State from mining on the lands will be split three ways: namely, one-third to Anangu Pitjantjatjaraku, one-third to the Minister of Aboriginal Affairs to be applied to the health, welfare and advancement of the Aboriginal inhabitants of the State generally, and one-third to the general revenue of the State. It is not possible to fix the upper limit in advance of any mining operation taking place, because of the difficulty of estimating the value of royalties that may be forthcoming from mining activities on the lands. However, in our discussions with the Pitjantjatjara council, we have undertaken that this limit will be fixed by the Government, having regard to the desire of the Pitjantjatjara to construct and maintain their own community amenities, such as education and health facilities, after discussion with and in continuing association with the relevant State authorities.

With regard to the possible participation of Anangu Pitjantjatjaraku in mining ventures on its own account, we believe that the powers given to it as a corporate body by this Bill will be more than sufficient should it wish to become so involved. Once again, the exact nature of such involvement cannot be determined unless and until mining takes place.

We believe that these provisions balance very fairly the desire of the Pitjantjatjara to preserve their culture (and yet enable them to derive some economic benefit from any exploration and mining activities that take place) and the interest of the State and applicants in having exploration and mining proceed. Indeed, I can report that these clauses of the Bill have generally been well received throughout Australia. One aspect of mining that has received special attention in the Bill is the opal mining currently taking place at Mintabie. Mintabie is situated on Granite Downs and is thus part of the lands to be granted by the Bill.

It also happens to be close to some especially important

and sensitive areas, from the Pitjantjatjara point of view. It is intended that opal miners, operators of legitimate businesses on the field and their families will have virtually unfettered rights of access to the field. Other persons with genuine reasons for being on the field will be subject to a notification procedure, which is not expected to interfere greatly with their freedom of movement. All other persons will be required to obtain permission to enter the lands under the provisions described earlier. It is intended that Mintabie be proclaimed as a precious stones field at an early date. This will ensure that all the supervision, controls and protection applicable to precious stones fields under the Mining Act are available at the Mintabie field.

In addition, the Bill contains provisions designed to minimise social friction between the white and the Aboriginal communities and, in fact, to encourage communication between them. A magistrates court will be given a discretion to prohibit individuals from remaining on the field if certain offences are committed. The Bill establishes a Mintabie Consultative Committee comprising representatives of the miners, the Government and Anangu Pitjantjatjaraku. A representative of Anangu Pitjantjatjaraku will chair its meetings. Its role will be to advise the Government in relation to the management of the field and to provide a forum for consultation between all major groups having an interest in the field. In order to protect present occupiers of residences and business premises on the field, the Bill provides for the period of notice that must be given to terminate occupancy rights, the compensation that Anangu Pitjantjatjaraku must pay if occupancy rights are terminated, and for rents for such allotments to be related to the rates of rental fixed by the Crown in comparable situations. With regard to the power to terminate rights of occupancy, the Pitjantjatjara have undertaken that these powers will not be used vexatiously or capriciously. This commitment is contained in a letter dated 2 October 1980, which I will cite for the information of honourable members. The undertaking is given to the Attorney-General, as follows:

I refer to our discussions this morning with respect to the intentions of the Pitjantjatjara in exercising their powers under clause 28 of the Bill.

I am instructed to undertake that it is not the intention of the Pitjantjatjara to exercise the powers vexatiously or capriciously.

The Pitjantjatjara do not have any intention presently to exercise their rights under clause 28 against persons lawfully in occupation of residential or business premises who act in accordance with the provisions of the Bill.

Yours sincerely,

Pantju Thompson,
CHAIRMAN

PITJANTJATJARA COUNCIL

We are also assured by the Pitjantjatjara that they will consider favourably any applications from individual opal miners to prospect and mine in certain areas to the south-west of the present field. The Bill provides that, in relation to such activities, no financial compensation is payable to Anangu Pitjantjatjaraku.

We believe that, given goodwill on the part of the Mintabie miners and Anangu Pitjantjatjaraku, these provisions will work satisfactorily. There is already evidence of sufficient goodwill in moves for discussions between the Pitjantjatjara council and the Mintabie Progress Association as to these clauses of the Bill. Also of importance in this Bill are the provisions relating to roads. The reconstruction of the Stuart Highway to Alice Springs along a new alignment is the subject of a separate agreement between the Pitjantjatjara council and the Commissioner of Highways, referred to in the Bill. The

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Stuart Highway and the Granite Downs to Oodnadatta road are roads to which the public will have unrestricted rights of use. Use by the public of other roads on the lands will require the permission of Anangu Pitjantjatjaraku according to the access provisions I described earlier. The persons who have access to Mintabie have special rights over the two access roads to Mintabie.

The Bill also contains provisions providing for the construction of new roads (other than the Stuart Highway) and the maintenance of all roads upon the lands. Generally, these rely on negotiations in the first instance followed by arbitration in the event of disagreement. It is the belief of the parties that these provisions will be adequate to meet the present and future requirements for roads upon and through the lands. As I have indicated earlier, the Government's legal advisers identified serious difficulties that could arise under the previous Government's Bill in determining, for example, how agreement could be reached with the Pitjantjatjara and be legally binding. This Bill overcomes these serious problems with detailed provisions that are clear and precise.

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. I emphasise in closing that it is a measure resulting from extensive and intensive discussion and, ultimately, agreement. Because of its importance not only to the Pitjantjatjara people but also to the whole question of relationships with Aborigines in this State, I urge that it be considered without delay. I seek leave to have inserted in *Hansard* without my reading it the detailed explanation of the clauses.

Leave granted

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 contains a number of definitions necessary for the purposes of the new Act. Honourable members should note that "Pitjantjatjara" is defined to include members of the Yungkutatjara and Ngaanatjara people who are traditional owners of the land. "Traditional owner" means an Aboriginal person who has, in accordance with Aboriginal tradition, social, economic and spiritual affiliations with, and responsibilities for, the lands or any part of them. The "lands" are defined by reference to the schedule.

Clause 5 establishes a body corporate under the title Anangu Pitjantjatjaraku and provides that all Pitjantjatjaras are to be members of the body corporate so established. Clause 6 sets out the powers and functions of the body corporate. Clause 7 provides that Anangu Pitjantjatjaraku shall, before carrying out proposals relating to the administration, development or use of the lands, consult with and obtain the consent of traditional owners who are affected by the proposal.

Clause 8 provides for annual general meetings of Anangu Pitjantjatjaraku. Clause 9 establishes an executive board of Anangu Pitjantjatjaraku. This board will consist of a chairman and eight other members elected at an annual general meeting of Anangu Pitjantjatjaraku. Until the first Annual General Meeting, the Pitjantjatjara council is to act as the board. Clause 10 provides for the meetings and procedure of the executive board.

Clause 11 requires the executive board to act in conformity with resolutions of Anangu Pitjantjatjaraku and provides that no act of the board done otherwise than in accordance with such a resolution is binding on Anangu Pitjantjatjaraku.

Clause 12 deals with proof of actions by Anangu

Pitjantjatjaraku. It states that an apparently genuine document purporting to be under the common seal of Anangu Pitjantjatjaraku, to be signed by four or more members of the executive board and to certify that a specified act of the board has been done in conformity with the Act, shall be conclusive proof that the Act is binding on Anangu Pitjantjatjaraku.

Clause 13 requires the executive board to keep proper accounts of the financial affairs of Anangu Pitjantjatjaraku and provides that the accounts are to be audited and lodged with the Department of the Corporate Affairs Commission. Clause 14 provides that the proceedings of Anangu Pitjantjatjaraku are to be governed by a constitution approved by the Department of the Corporate Affairs Commission. The constitution must specify an address at which legal process, notices and other documents may be served on Anangu Pitjantjatjaraku or the executive board and must be in conformity with this Act and the law of South Australia.

Clause 15 empowers the Governor to issue a land grant in fee simple of the whole or any part of the lands to Anangu Pitjantjatjaraku. The land grant is not to be issued (except in the case of Granite Downs station) unless all persons with a legal or equitable interest in the land have surrendered or agreed to surrender their respective interests. When the Governor issues a land grant in respect of land comprised in Granite Downs station, any pastoral lease then in force continues as if Anangu Pitjantjatjaraku had leased the land to the Crown and the Crown had subleased it to the lessee. However, upon the surrender or expiration of the lease, the land is not to be re-let by the Crown. Upon the Act coming into operation, the lessee is to be entitled to compensation from the Crown for diminution in value of the lease as a result of the loss of expectation of renewal. This compensation is to be calculated as if the land subject to the lease were unimproved. Upon surrender or expiration of the lease, the lessee is to be entitled to compensation from Anangu Pitjantjatjaraku for the value of improvements upon the land.

Clause 16 deals with the land grant that is to be issued. It provides that it shall be expressed in the English language and the Pitjantjatjara language, but that the interpretation of the land grant shall be governed by those portions of the land grant expressed in the English language. Subclauses (2) and (3) empower the Minister of Lands, on the recommendation of the Surveyor-General, to correct any error resulting from incorrect or inadequate description of the land.

Clause 17 provides that the land that has vested in Anangu Pitjantjatjaraku in pursuance of Part III is to be both inalienable and free from compulsory acquisition pursuant to the Land Acquisition Act. Clause 18 provides that all Pitjantjatjaras are to have unrestricted rights of access to the lands.

Clause 19 makes it an offence for a person who is not a Pitjantjatjara to enter the lands without the written permission of Anangu Pitjantjatjaraku. There are certain exceptions to this principle. For example, a police officer acting in the course of his official duties, a statutory officer acting in the course of his statutory functions, a person acting on the authority of the Minister of Aboriginal Affairs, or a member of Parliament, a candidate for election, or a person accompanying and generally assisting such a member or candidate, may enter the lands without permission. This also applies to entry in the case of emergency. Where a pastoral lease remains in force in relation to a part of the lands, the holder of the lease, members of his family, employees, and members of an employee's family, and other persons authorised in writing

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by the lessee, may enter land comprised in the lease without permission from Anangu Pitjantjatjara.

Clause 20 provides that any person who carries out mining operations on the lands or who enters the lands for the purpose must have the permission of Anangu Pitjantjatjara. But where Anangu Pitjantjatjara refuses permission or grants permission subject to conditions that are unacceptable to the applicant, the applicant may request the Minister of Mines and Energy to refer the application to an arbitrator. The clause deals with the appointment of the arbitrator and the criteria to which he is to have regard in determining the matters in dispute. The arbitrator's determination is to be binding on Anangu Pitjantjatjara, the applicant and the Crown. Subclauses (20) and (21) provide that, where the application is for permission to prospect and mine for precious stones within a prescribed area, no permission granted by Anangu Pitjantjatjara shall require payment of compensation.

Clause 21 deals with the interaction of the Mining Act and the Petroleum Act (both of which will continue to apply to exploration and mining authorised according to the provisions of the Bill) with the proposed new Act and contains a number of provisions to ensure that mining operators do not pay bribes or make unauthorised gifts in connection with obtaining permission for carrying out mining operations.

Clause 22 deals with royalty. It provides that royalty in respect of minerals recovered from the lands should be paid into a separate fund maintained by the Minister of Mines and Energy. Of these moneys, one-third is to be paid to Anangu Pitjantjatjara, one-third is to be paid to the Minister of Aboriginal Affairs to be applied towards the health, welfare and advancement of the Aboriginal inhabitants of the State generally, and one-third is to be paid into the General Revenue of the State. Where the income from the fund exceeds the prescribed limit in any financial year, the whole of the excess is to be paid into the general revenue of the State.

Clause 23 makes it an offence to give or offer a bribe in connection with obtaining the permission of Anangu Pitjantjatjara for carrying out mining operations. Clause 24 provides that payments or other consideration made or given to Anangu Pitjantjatjara in respect of carrying out mining operations on the lands must be reasonably proportioned to the disturbance to the lands, the Pitjantjatjara people, and their ways of life, that has resulted or is likely to result from the grant of the relevant mining tenement.

Clauses 25 to 29 deal with the Mintabie precious stones field. Clause 25 deals with entitlement to be on the Mintabie precious stones field. Clause 26 provides for the appointment of the Mintabie Consultative Committee. The Committee is to consist of two Pitjantjatjara nominated by Anangu Pitjantjatjara, a nominee of the Commissioner of Police, a nominee of the Minister of Mines and Energy, and a nominee of the Mintabie Progress Association. Thus, the committee will be representative of those who have a major interest in the field. The committee will discharge statutory functions under clause 27 and will also act as an advisory committee to the Minister of Mines and Energy on matters related to the field.

Clause 27 empowers a court of summary jurisdiction upon the application of the consultative committee, or of Anangu Pitjantjatjara to make an order prohibiting a person from entering or remaining on the Mintabie precious stones field. It sets out the kinds of offence or conduct that must be established in order to ground an order. Clause 28 deals with residential or business premises which had been constructed, or were in the

course of construction, on the Mintabie precious stones field at the commencement of the new Act. The clause confers rights of occupation which may be terminated by Anangu Pitjantjatjara by giving six months notice in writing to the occupier. Where rights of occupancy are terminated, an appropriate compensation must be paid to the former occupier.

Clause 29 provides that the consent of Anangu Pitjantjatjara is not required for the pegging out of a precious stones claim on the Mintabie precious stones field. Clause 30 deals with the premises occupied by the Crown for purposes connected with the health, education, welfare, or advancement of the Pitjantjatjara people. Where such premises were occupied before the commencement of the new Act, the Crown may continue in occupation for a period of up to 50 years without payment of rent or compensation to Anangu Pitjantjatjara.

Clauses 31 to 34 deal with the construction and maintenance of roads on the lands by the Commissioner of Highways. Clause 31 provides that the consent of Anangu Pitjantjatjara is required for the purpose of carrying out road works on the land. Clause 32 deals with the submission of detailed proposals to Anangu Pitjantjatjara in respect of proposed road works and provides that any dispute between the Commissioner of Highways and Anangu Pitjantjatjara may be referred to arbitration. The proposals relating to the construction of the new Stuart Highways which have been approved by the Pitjantjatjara council are to be regarded as approved proposals for the purposes of this new provision.

Clause 33 provides that land within 100 metres to each side of the centre line of roads referred to in the second schedule is to constitute a road reserve. The Commissioner of Highways is entitled to unrestricted use of the road reserve for purposes related to road works. The public will have access to the roads referred to in the second schedule and also to land comprised in a road reserve. Clause 34 provides that the permission of Anangu Pitjantjatjara is not required for the purpose of routine maintenance of roads referred to in the second schedule.

Clauses 35 to 37 deal with the resolution of disputes involving Anangu Pitjantjatjara or its members. Clause 35 provides for the appointment of a tribal assessor. Clause 36 provides that a Pitjantjatjara who is aggrieved by a decision or action of Anangu Pitjantjatjara or any of its members may appeal to the tribal assessor against that decision or action. The tribal assessor may give such directions as he considers just or expedient to resolve any matters in dispute.

Clause 37 provides that a local court of full jurisdiction may, on the application of a party to proceedings before the tribal assessor, make an order compelling a person to comply with directions of the tribal assessor. Clause 38 provides for the summary disposal of offences. Clause 39 provides that a court may award compensation to Anangu Pitjantjatjara for damage suffered by it as a result of commission of offences. Clause 40 exempts the lands from land tax. Clause 41 is a financial provision. Clause 42 provides that the Outback Areas Community Development Trust Act does not apply to the lands. Clause 43 is a regulation-making power.

Mr. BANNON secured the adjournment of the debate

ABORIGINAL LANDS: HUNDRED OF KATARAPKO

The Hon. H. ALLISON (Minister of Aboriginal Affairs):
I move:

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,