HOUSE OF ASSEMBLY

Thursday, October 26, 1967

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, intimated his assent to the following Bills:

Crown Lands Act Amendment (No. 2),

Local Government Act Amendment (No. 2).

LOTTERY AND GAMING ACT AMENDMENT BILL (No. 3)

His Excellency the Governor's Deputy, 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.

PUBLIC EXAMINATIONS BOARD BILL

His Excellency the Governor's Deputy, 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.

QUESTIONS

DROUGHT ASSISTANCE

Mr. HALL: From newspaper reports, more details appear to be available about the Commonwealth's offer of assistance for those suffering because of the drought conditions in South Australia and Victoria. From the reports, I understand that the Commonwealth Government is to make a loan to the State Government in respect of loans and grants made by the State Government to those suffering because of the drought. In view of the additional information that appears to be available, has the Premier further information that will enable him to say what type of assistance the Government expects to give those affected by the drought? Will he explain to those affected on what grounds they may apply for assistance?

The Hon. D. A. DUNSTAN: A statement was made by the Prime Minister last evening in the Commonwealth Parliament. My office received a telephone call from his officers today to the effect that this statement had been made and that the Prime Minister regretted that it had been made before there had been a direct communication with me. I have not yet received the letter from the Prime Minister, although he says it is on the way and that we will get it shortly. I do not think it would be wise for me to outline to the House my understanding of the matter on the basis of a newspaper report of what the Prime Minister has said. As soon as the letter from the Prime Minister is available, the Minister of Lands will make a statement that will clarify the position for the public.

AIR POLLUTION

Mr. McKEE: Recently a deputation from the Port Pirie Trades and Labor Council met the Minister of Health on the subject of air pollution at Port Pirie. As I understand the Public Health Department is investigating the matter, will the Minister of Social Welfare obtain from the Minister of Health a report on the progress being made?

The Hon. FRANK WALSH: I shall be pleased to raise the matter with my colleague and to bring down a report as soon as possible.

FIRES

Mr. HUDSON: In this morning's *Advertiser* appears a letter from a resident of North Brighton referring to a seven-acre vineyard in Bowker Street, North Brighton, which the Government bought nearly four years ago. The letter states:

> There have been several minor fires in the area in this time, and at present grass up to 5ft. high is rapidly drying off and becoming a hazard.

From the description of this land I think it is land being held by the Education Department with a view to rebuilding the Paringa Park Primary School when finance becomes available. If that is the case, will the Minister of Education take up with his officers the condition of this land with a view to bringing the grass under control and undertaking any controlled burning off that may be necessary to keep the area in a suitable condition?

The Hon. R. R. LOVEDAY: Yes.

Mr. McANANEY: Has the Minister of Agriculture a reply to my recent question about bush fires in the Hindmarsh Valley water reserve?

The Hon. G. A. BYWATERS: I have not yet received a report on that matter.

CADELL IRRIGATION

Mr. FREEBAIRN: Has the Minister of Works a reply to my question of several weeks ago about the dispersal of seepage water at the Cadell Training Centre?

The Hon. C. D. HUTCHENS: The installation of grid pattern test tubes has been carried out by the Engineering and Water Supply Department at the Cadell Training Centre. Water table readings were commenced on August 24, 1967, on a weekly basis, following the earlier installation of about 60 test tubes on a grid pattern over the training centre area, the depths of the tubes being about 6ft. To date only eight tubes have shown any water near the bottom, all others being dry. The assessment of the values of any water table movements will not be practicable before the end of the current irrigation season.

WATER RESTRICTIONS

Mr. BROOMHILL: Earlier this week it was reported that persons living near the Grange Primary School were disturbed about the amount of water being used to water the school oval, and it was suggested that the school was wasting water. Has the Minister of Education investigated this report?

The Hon. R. R. LOVEDAY: It may be remembered that, when the complaints were made to the department (and I may say that the complaints came through a reporter from the *News*, not from any person concerned), an inquiry was immediately instituted, and the Deputy Headmaster of the school was requested to cease watering and to get advice from a competent officer of the Agriculture Department. That officer, who is a soils adviser and a specialist in irrigation, has visited the school, examined thoroughly what is being done, and made soil tests. It is clear that, if a playing field of this size is to be maintained in reasonable condition, there has been no over-watering. In fact, if the present schedule is continued, it is likely to result in under-watering during periods of high evaporation.

JUDICIARY

Mr. MILLHOUSE: Yesterday, by way of a question, I drew attention to the annual report of the Director of Social Welfare and the criticism contained therein of the Adelaide Juvenile Court Magistrate. I also said that the Minister of Social Welfare had publicly agreed with the Director's criticism of the Magistrate. The Premier, in his reply, implicitly defended the criticism that had been made of Mr. Elliott by these two gentlemen. Last evening the Minister of Agriculture criticized Mr. Justice Travers for what he had said in a judgment about an Act of this Parliament and, in effect, suggested that the Judge should mind his own business and that we would mind ours. As it has always been a tradition of this State that judicial officers shall not be criticized in the exercise of their judicial duties, can the Premier say whether that tradition has been abandoned by the Government? If it has been, what is now the Government's policy on the criticism of judicial officers? If the policy and the tradition that I have mentioned have not been abandoned, will the honourable gentleman take steps to ensure that there are not in future such occurrences as those I have mentioned?

The SPEAKER: Order! I think the responsibility to see that members of the Judiciary are not criticized or referred to adversely in debate devolves on me. I give the assurance that that will be done in this Parliament. Regarding the reference made last evening by the Minister of Agriculture, that was a complaint that His Honour had criticized Parliament rather than being any criticism of His Honour.

Later:

Mr. MILLHOUSE: I should like to ask a question of you, Mr. Speaker. Earlier in Question Time I asked a question of the Premier regarding certain criticisms that have been made of judicial officers in South Australia, and I gave three instances. One was a written criticism contained in a report tabled in this House; another was a criticism made in this House verbally by a Minister; and the third was a criticism voiced by the Minister of Social Welfare outside the House. Before the Premier got to his feet to answer my question you, Sir, explained that it was your prerogative to defend the independence of the judiciary in this House—and, respectfully, I accept that entirely. Therefore, what action do you intend to take with regard to the two instances that arose out of the proceedings in this House (first, the tabling of the report and, secondly, the remarks of the Minister of Agriculture last evening which were made, I think, when you were in the Chair)? Also, will you invite the Premier to answer the wider question I

asked about the general criticism of the judiciary by members of the Government and of the Public Service that may occur not only in this House but outside as well?

The SPEAKER: I understood the honourable member's question to relate only to references inside the House.

Mr. Millhouse: Not entirely.

The SPEAKER: Let me answer the question that has been asked. In his question, the honourable member also referred to the practice adopted in Parliament, saying that it was not the practice of Parliament to criticize the judiciary. That has been established by Erskine May. I took the earliest opportunity to assure the honourable member that there had been no departure from that practice. I have no jurisdiction over references made outside Parliament. Although I did not know that such a reference was included in the honourable member's question, as he included it I will allow that question to be directed to the Premier.

The Hon. D. A. DUNSTAN: I have already adequately answered the honourable member's question in a reply I gave him yesterday on this matter.

MURRAY RIVER SALINITY

Mr. CURREN: Once again I refer to the Murray River salinity problem and to recent statements made over radio stations in my district that may give an incorrect impression. Can the Minister of Works say what is the salinity at present and what it is expected to be during the coming summer? Also, could wider publicity be given to daily salinity readings that are being taken now?

The Hon. C. D. HUTCHENS: I understand that the present salinity position at irrigation areas is reasonably satisfactory. A departmental report received this morning indicates that the salinity of the Murray River along the irrigation areas should improve soon. Regarding the distant future, readings are being received from up river as far as Swan Hill each two days, and the department will do everything possible to keep the river at a reasonable salt level for the season. Arrangements have been made with the Chief of Staff of Advertiser Newspapers Limited to publish in the country edition of the *Advertiser* a salinity reading of selected stations on the Murray River in South Australia. Results of tests taken on Monday, Wednesday, and Friday will be published on Tuesday, Thursday, and Saturday, and the first of these publications appeared in the *Advertiser* of Tuesday, October 24. Requests have been received from the honourable member, from River Murray Broadcasting Proprietary Limited, and from the Australian Broadcasting Commission that these figures be made available to them so that they may be broadcast from the Upper Murray radio stations, and this has been arranged.

POLDA WATER SUPPLY

Mr. BOCKELBERG: Yesterday, I asked the Minister of Works how much water was stored in the Tod reservoir and whether water was being pumped from the Polda Basin. Has he a reply?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief reports that no water is being taken from Polda at present. The Tod reservoir, with a storage of 1,410,000,000 gallons, is being used and will continue to be used as long as possible because of the evaporation losses that occur from this body of water.

SPEED BOATS

Mr. HURST: Recently the Minister of Marine received a deputation from the Port Adelaide Rowing Club which expressed concern about freelance speed boats and water skiers using an area normally used by the rowing club. As it was suggested to the Minister that his department should try to control these activities because of the potential hazard caused to persons rowing on the river, can the Minister say what he intends to do as a result of those submissions?

The Hon. C. D. HUTCHENS: The deputation waited on me last evening, and I met the President of the Port Adelaide Rowing Club and the Director of Marine and Harbors (Mr. Sainsbury) again this morning. It has been decided that the rowing club will erect notices informing people that there is a speed limit of six knots for vessels using the river. The authorities will police that part of the river and persons exceeding the speed limit will be prosecuted. I make it clear that only a few irresponsible people indulge in the silly practice of speeding in and out amongst vessels at great danger to themselves and to other people using the river. The Government appreciates the attitude of the clubs using the river and has no complaint against them. Indeed, their members are law abiding and considerate, and I believe the clubs police their own members.

NARACOORTE OFFICES

Mr. RODDA: Can the Minister of Works say whether any progress has been made in planning the construction of a new block of offices at Naracoorte to house staff of the Engineering and Water Supply Department?

The Hon. C. D. HUTCHENS: Cabinet has approved a tender for the construction of an office block at Naracoorte to accommodate staff of the Engineering and Water Supply Department. I shall try to ascertain when work will be commenced and what is the expected date of completion, and I shall inform the honourable member in writing as soon as possible.

GAS

The Hon. B. H. TEUSNER: When the Natural Gas Pipelines Authority Bill was debated in this Chamber in March this year, it was stated that reserves of 750 billion cubic feet of gas would have to be established to make the project an economic proposition. According to Parliamentary Paper No. 102, which was referred to at that time, the known reserves in the previous year were 600 billion cubic feet. I understand that since then there have been several fresh tappings and that in the past few days the press has reported a further strike at Moomba. Can the Premier therefore say what are the present known gas reserves and to what extent they exceed the 750 billion cubic feet necessary to make the project an economic proposition?

The Hon. D. A. DUNSTAN: I will get accurate figures on the basis of the latest information available, and I will let the honourable member have them next week.

PEKINA WATER SUPPLY

Mr. HEASLIP: Has the Minister representing the Minister of Mines a reply to the question I asked earlier this week about the Pekina water supply?

The Hon. G. A. BYWATERS: The Minister of Mines reports that information received from the Agriculture Department suggests that the economics of irrigating from bores in the Pekina area are doubtful. Consequently, no further departmental test bores are planned in the area.

BUILDING APPROVALS

Mr. HALL: In September, 566 building approvals were granted in the private sector which, when compared with the following figures for the previous three months taken from the September issue of the *Monthly Summary of Statistics*, indicates a deterioration in the situation: June, 630; July, 608; and August, 574. The publication also gives the following quarterly totals to September over the last four years: 1967, 583; 1966, 634; 1965, 726; and 1964, 909. In view of the Premier's statement that the building industry is experiencing a resurgence, will the Premier say to what he attributes the number of approvals for the September quarter of this year being lower than the corresponding number of approvals over the previous three years?

The Hon. D. A. DUNSTAN: Monthly fluctuations obviously occur from time to time in building approvals for private housing. However, if the Leader desires information concerning the state of the building industry in South Australia, I know that he has recently been trying to persuade the building industry to adopt certain courses, and he must have had an intimation from the various employer organizations he has seen. In fact, the opinion coming to the Government is that architects in South Australia at present are extremely busy and that, in consequence, we can expect a continuing upswing in general building activity.

GLENGOWRIE HIGH SCHOOL

Mr. HUDSON: Has the Minister of Education any information in reply to my question of last week about arrangements for the development of the playing ovals at the new Glengowrie High School so that they will be ready for use by the students of that school when the new buildings are occupied at the beginning of the 1969 school year?

The Hon. R. R. LOVEDAY: I have been informed by the Public Buildings Department that the departmental plan for the playing grounds for Glengowrie High School provide for two ovals and two hockey fields. In accordance with the construction programme all these areas will be fully established by the time the school opens in February, 1969.

METROPOLITAN WATER SUPPLY

Mr. McANANEY: Has the Minister of Works a reply to my recent question about the quantity of water consumed in the metropolitan area over the last seven years?

The Hon. C. D. HUTCHENS: I have received the following report from the Director and Engineer-in-Chief:

The following table shows the population served, the total annual consumption and the average consumption per head per day in the Adelaide metropolitan area for the last seven years:

Year	Population served	Total annual consumption in million gallons	Average daily consumption a head in gallons
1960-61	581,900	20,957	98.7
1961-62	642,500	26,165	111.6
1962-63	661,500	24,090	99.8
1963-64	682,000	26,290	105.3
1964-65	700,000	25,790	100.9
1965-66	724,000	27,740	105.0
1966-67	769,000	27,921	99.5

It should be noted that the figures supplied for 1966-67 are for the Adelaide statistical division, which is a slightly greater area than that covered by the previous figures which apply to the Adelaide metropolitan water region.

RISDON PARK SCHOOL

Mr. McKEE: Has the Minister of Education a reply to my recent question about the improvement of the toilets at the Risdon Park Primary School?

The Hon. R. R. LOVEDAY: The proposed improvements to the Risdon Park Primary School toilets include extensions to both boys and girls toilets to provide additional cubicles and partitions, etc., to separate infant boys from the older boys. As the request is comparatively recent, the Public Buildings Department has not as yet been able to make an officer available to investigate the matter. The number of toilets has been checked from office records, and it has been found that the cubicles provided are in excess of the scale of requirements for the present enrolment of 612. The present accommodation is considered adequate for an enrolment of 900 pupils. It is considered desirable for an officer to visit the school to look into the other matters, and this visit will be arranged as soon as possible.

LICENSING ACT

Mr. LANGLEY: As the new Licensing Act has been law for over a month and as 10 p.m. closing has operated for that period, can the Premier say what has been the effect of these changes on the general public? Also, has any increase occurred in the number of offences of driving under the influence of liquor?

The Hon. D. A. DUNSTAN: The reports to me from the Licensing Court branch and from His Honor the Licensing Court Judge have shown that there has been an extremely smooth changeover to the new system and that no great problems, either in administration or in the changed habits of people, have arisen. There are no statistics whatever to show any sort of increase in the number of offences as a result of the change.

GRASSHOPPERS

Mr. BOCKELBERG: Has the Minister of Agriculture a reply to questions asked by the member for Frome and me earlier this session about grasshoppers?

The Hon. G. A. BYWATERS: On a previous occasion, I informed the honourable members concerned that an officer of my department had visited the Hawker and Ceduna areas in relation to grasshoppers, which caused some concern last year, and I told them about the programme we carried out last year. That officer has now furnished me with the following report of his visit:

Only two official reports of plague grasshoppers in the Ceduna-Penong area had been received by the Murat Bay District Council to October 20, 1967. A number of unofficial reports circulating in the area indicated that there were some grasshoppers about, but in fewer numbers than last year, and that landowners were not particularly concerned about them. Two or three farmers have carried out limited spraying.

Following periodic checks with the district council, I carried out a check inspection on the Ceduna-Penong grasshopper situation on October 19 and from observations and discussions made the following conclusions:

(1) Infestation was less extensive and less intensive this year than last year.

(2) An area in hundred of Catt on the properties of Messrs. Reg. Borlace, Bill Oats, Keith Freeman, and neighbouring properties was the most seriously infested area. Even in this area the grasshoppers were not as dense as last year, but in some cases they were somewhat more extensive. Only in this area are they in numbers sufficient to cause much damage.

(3) All grasshoppers were on the wing when the inspection was made and, from local reports, had been on the wing for about a week. Very little displacement flight had taken place during the first week, but was beginning to occur at the time of inspection. A considerable proportion of the males were becoming sexually mature by October 19 and the first signs of mating were seen. No

egg laying had taken place to this date, but is anticipated towards the end of next week.

(4) Cereal crops in the area are generally quite reasonable considering the season. Some five-bag crops are anticipated. Most crops are now beginning to ripen; only a few exceptional late crops have any remaining green flag although the heads in most crops are still green.

(5) An abundant growth of spear grass in the area is providing plenty of stock feed, although there is little medic and only poor barley grass. Much of the spear grass is still green and shedding seeds, especially in the area worst affected by grasshoppers. Nearer to Ceduna and nearer Penong the spear grass is more advanced and almost dry. There should be adequate spear grass in the worst grasshopper areas for about two to three weeks.

(6) The amount of damage to cereal crops at this stage is slight. The most intense damage seen was on the edge of a crop and may have been done earlier by invading hoppers. Some further damage is anticipated before the crops ripen off.

(7) The extensiveness of damage to cereal crops will depend on the time for the crops to mature beyond the stage where they are susceptible, together with the rate of maturing of the spear grass which will affect the amount of movement of adults. Probably little damage will occur after the next seven to 10 days.

(8) Because of the severe effect of the drought on grasshoppers in the Peterborough area there is little likelihood of any spraying being possible in that area, so an immediate transfer of spray equipment to Ceduna is planned. Although all grasshoppers have reached the flying stage, useful trials can still be carried out.

(9) The drought season would appear to be bringing an end to the high numbers of grasshoppers in the Peterborough to Hawker area, but conditions in the Ceduna-Penong area have been more favourable so that grasshopper activity is continuing although on a much reduced scale this year.

That report is signed by the Senior Research Officer of the Entomology Branch (Mr. P. Birks). I am gratified that the work carried out last year has achieved good results. I believe the honourable member for Eyre will agree with this. In fact, the members of the deputation he introduced to me have already expressed their gratitude.

FORT GLANVILLE

Mr. HURST: Has the Minister of Immigration and Tourism a reply to my recent question about the mounting of guns at Fort Glanville?

The Hon. J. D. CORCORAN: The work of mounting the old guns at the Fort Glanville national pleasure resort has not yet been carried out because of other urgent commitments that have absorbed both our manpower and finance. Two 10in. guns are available for mounting. Since the letter of July 25 to the honourable member, the question (not yet decided) has arisen whether the mounting should form part of a more comprehensive plan for the restoration of the fort. Of course, this would be a much bigger and more costly job, and it is still being considered.

EGGS

Mr. FREEBAIRN: On Tuesday I asked the Minister of Agriculture about the possibility of deferring the levies of the Council of Egg Marketing Authorities and the Egg Board in the case of farmers in drought-stricken areas of the State, particularly in the Murray Plains area. As the session has almost finished, can the Minister obtain a reply for me before Parliament goes into recess?

The Hon. G. A. BYWATERS: This matter will be referred to the Egg Board, and I understand it does not meet until next Thursday. I have followed up the request by speaking to the Chairman of the board, apart from the written submissions that have been made on the matter. I have made a strong recommendation that the request be acceded to and that part deferment of the amount to be paid be allowed until conditions improve for the people concerned. However, this matter concerns other States, because parts of New South Wales and Victoria have also been experiencing drought conditions. Possibly the matter is one for discussion on a broader scale by C.E.M.A. People who are in difficulties this year should not be subjected to any great disadvantage if alleviation can be provided for them, and my sympathies are in this direction.

KALANGADOO SCHOOL

Mr. RODDA: Has the Minister of Education a reply to my question about clearing work at the Kalangadoo Primary School?

The Hon. R. R. LOVEDAY: I have been advised that the contractor will clear all debris from the Kalangadoo Primary School site within two weeks.

MILANG BORES

Mr. McANANEY: Has the Minister of Agriculture received from the Minister of Mines a reply to my question regarding the Milang water basin?

The Hon. G. A. BYWATERS: The Minister of Mines reports:

The Mines Department is aware that underground water problems exist in the Milang area. The extent of these, and appropriate remedial action, cannot be outlined until a detailed field survey and assessment have been carried out. While it is hoped to carry out a preliminary survey within the next week or so, pressure of hydrological work, together with staff shortages, makes it difficult to forecast when the detailed study will be finalized.

MUNDALLA SCHOOL

Mr. NANKIVELL: Will the Minister of Education ascertain whether the department has finalized the purchase of additional land for the Mundalla Primary School?

The Hon. R. R. LOVEDAY: Yes.

HOSPITALS

Mr. MILLHOUSE: My question concerns the priorities that the Government has set for the erection of new hospitals in South Australia. As I understand the position, the Government has given priority to a hospital at Modbury over one in the south-western suburbs in connection with Flinders University. My attention has been drawn to the report and recommendations of the committee on facilities for training medical practitioners in South Australia, a committee comprising some most able medical practitioners that was appointed, I think, by the Walsh Government. The relevant recommendations are as follows:

In addition to the predicted 95 graduates a year from the University of Adelaide, a minimum of 45 additional South Australian graduates should qualify annually from December, 1975. A second medical school should be established with a minimum of delay at Flinders University. It should be the intention that the first increment of medical students will qualify in December, 1975.

The general tenor of those recommendations is repeated several times, the upshot being the firm recommendation that the medical school at Flinders University should be turning out graduates by December, 1975. I can see in the report no mention of a hospital at Modbury having priority. As I understand it is not now expected that graduates from a medical school and an associated hospital at Flinders University can be ready before 1978, I ask the Premier whether the Government has had regard to the recommendations in this report and, if it has, why priority has been given to a hospital at Modbury, not to a hospital at the Flinders University. Further, I ask him what plans the Government has to bridge the gap that will obviously exist between 1975, the date set in the report, and 1978, the date when the first graduates from Flinders University are expected.

The Hon. D. A. DUNSTAN: The planning of new general hospitals in South Australia has been conducted in complete coordination with the hospital authorities of this State and with the Vice-Chancellor of Flinders University. The plan for the provision of a full teaching hospital has been based on the date by which Flinders University could be expected to supply students to a teaching hospital in that area for their clinical studies. The Flinders hospital has, in consequence, been planned so that a submission could be made to the Commonwealth Government at the earliest time for the very necessary assistance of the Commonwealth in the provision of teaching facilities. If the honourable member examines the cost of teaching facilities now required in a teaching hospital, he will realize that there is a great extra cost beyond that of providing a general hospital. Therefore, the concurrence of the Commonwealth Government, through the Australian Universities Commission, in the erection of a teaching hospital for Flinders University is necessary. The earliest conceivable date on which a submission could be made to the Commonwealth for its approval of participation in the erection of a teaching hospital was in the next triennium. The earliest date for a submission will be next month, and that will be the relevant date on which we make that submission.

Regarding the hospital at Modbury, it was possible to plan the first stage of that hospital on the basis that we would not at this stage need to apply to the Commonwealth for the provision of a hospital there and for Commonwealth assistance in this matter. In addition, the first phase of the Modbury hospital does not need to take students from a medical school. On the other hand, the basis of the planning of that hospital has been that it would be planned in such a way that at the relevant time, in relation to stage 2, an application could be made to the Commonwealth and there would be some provision of extra teaching facilities at Modbury to provide for extra students from the Royal Adelaide Hospital who could not be provided with certain of their clinical and post-graduate years by existing hospital facilities in South Australia. The whole of this plan has been carefully phased in to see that the necessary assistance is given to the medical schools to obtain the optimum result in the output of medical

practitioners, and the kind of thing that the honourable member and his colleagues have been saying about this is just political nonsense.

EFFLUENT

Mr. FREEBAIRN: Since the unfortunate imposition of water restrictions in the area served by the Warren reservoir, I have had several inquiries from farmers in my district regarding the suitability of septic tank effluent for watering gardens, in particular, for watering citrus and stone fruit trees. Will the Minister of Agriculture inquire whether technical information of this kind can be released?

The Hon. G. A. BYWATERS: Probably the Minister of Works would have greater knowledge on this topic than is available in my department, because his department is interested in it.

Mr. Freebairn: I was thinking of salinity, and so on.

The Hon. G. A. BYWATERS: Common disposal tanks are used for the effluent from septics and the drainage water from kitchens and bathrooms, but they may present some difficulties. However, I know many people at Murray Bridge who have successfully used this effluent on trees, which seem to be flourishing. However, I shall inquire and try to obtain information for the honourable member.

WATER PUMPING

The Hon. Sir THOMAS PLAYFORD: Has the Minister of Works a reply to my recent question about the cost of power used to pump water from Mannum to Adelaide?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief reports that with four pumps operating continuously, as at present, in each of the three Mannum-Adelaide pumping stations, the cost of power for pumping is $30,800 a week which, when apportioned to the 472,500,000 gallons pumped each week, amounts to 6.5c a thousand gallons.

Mr. MILLHOUSE: The Minister says that the cost is 6.5c a thousand gallons. I think I am correct in saying that the cost to the consumer of excess water is about 25c a thousand gallons. Because of the obvious cost advantage that these figures disclose, would it not have been good business, as well as in the public interest, to have pumped continuously in order to keep reservoirs full, as the cost of pumping (even with the added cost of maintenance and interest on capital) is obviously much less than the cost to the consumer?

The Hon. C. D. HUTCHENS: I have explained to the honourable member several times this week that more pumping has been done this year than during last year or any previous year, although the reservoirs at the beginning of this year held more water than they did last year.

Mr. Millhouse: It is the cost.

The Hon. C. D. HUTCHENS: The honourable member wants to have it both ways. If we had started pumping at full pressure when he suggests that we should have, and if it had been a normal year, we would have pumped water over the spillway, and the honourable member would have said that we were wilfully wasting public money.

COURT PSYCHIATRIST

Mr. McANANEY: The controversial special magistrate (Mr. Elliott), has stated that cases are sometimes delayed and defendants kept in custody for some time because of the lack of a psychiatrist's report. As in Victoria a permanent official is available to the courts at all times, can the Attorney-General say whether a similar appointment could be made here to avoid the delay due to the need to wait for a psychiatrist's report?

The Hon. D. A. DUNSTAN: If the honourable member can tell us where we can get a psychiatrist to be recruited to the Social Welfare Department, I shall be grateful for that information. The position has been advertised several times and oversea recruits have been sought unsuccessfully.

HILLS TUNNEL

Mr. QUIRKE: Some weeks ago I asked the Minister of Works what would be the cost of building a tunnel through the Adelaide Hills to convey water and other facilities. As much has been said about this suggestion, has the Minister a reply?

The Hon. C. D. HUTCHENS: The matter of a tunnel through the Mount Lofty Ranges has been considered previously in relation to the likely cost of a combined railway and water main. Approximate estimates taken out in 1962 revealed the following:

(*a*) A single tunnel for a double railway track and the main: estimated cost—$420,000,000.

(*b*) Separate tunnels for a double railway track and a main: estimated cost—$360,000,000.

(*c*) Separate tunnel for a two-lane highway with emergency tracks: estimated cost—$300,000,000.

Therefore, the estimated cost of the cheapest arrangement for the railway and main is

$360,000,000, and the addition of a separate road tunnel would bring the total cost to $660,000,000.

BRIGHTON TECHNICAL SCHOOL

Mr. HUDSON: Recently, I asked the Minister of Works a question concerning a project at the Brighton Boys Technical High School involving the complete enclosure of a shelter area so that this area could double as an assembly hall. My question concerned the plans of the Public Buildings Department relating to the completion of this work. As I understand the Minister now has a reply, will he give it?

The Hon. C. D. HUTCHENS: The Director of the Public Buildings Department reports that a plan has been completed detailing the work involved and funds have been approved to enable the project to proceed. As it is considered desirable to carry out the work during the forthcoming school holiday period, the project has been programmed to be undertaken at that time. The initial fabrication of the joinery components required will be commenced in a few days.

MINISTERIAL STATEMENT: BUSH FIRE RESEARCH COMMITTEE

The Hon. G. A. BYWATERS (Minister of Agriculture): I ask leave to make a statement.

Leave granted.

The Hon. G. A. BYWATERS: Members will be aware that this week is the clean-up week that is sponsored by the Bush Fire Research Committee. Each year that committee produces an interesting report which need not be tabled in this House. However, I am sure that you, Mr. Speaker, and all members not only of this House but also of another place would like to have a copy of this report and be able to peruse it. I should be pleased, therefore, if you would enable me to make a copy available to you, Sir, and to every other member. This report, which was published only this morning, will provide much useful information on the work the committee is doing to minimize this very direct and dangerous peril to South Australia.

The SPEAKER: I shall be pleased to attend to the distribution of copies of the report, as requested.

ELIZABETH FIELD TECHNICAL HIGH SCHOOL

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Elizabeth Field Technical High School.

Ordered that report be printed.

HOSPITALS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

FISHERIES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

VERMIN ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Vermin Act, 1931-1964. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

The principal Act, the Vermin Act, 1931-1964, sets out the legal framework for the control or destruction of vermin within the State. Primarily the responsibility for control and destruction rests with the individual landholders and certain supervisory powers are vested in vermin boards and councils with little or no intervention by the central Government unless the local authorities fail in the performance of their duties under the Act. For some time now it has been felt that there is a need for a redefinition of the powers and duties of those authorities and persons engaged in vermin control and this measure effects this redefinition and at the same time pays regard to certain other aspects of vermin control administration.

For some time now there has been functioning an *ad hoc* committee of landholders and others interested who from time to time have tendered most valuable and useful advice to the Minister in connection with the problems associated with vermin control. This measure proposes that this committee will be established on a more formal basis and accordingly provides for its establishment and its powers and functions. Under the principal Act, as some honourable members will be aware, landholders are responsible for vermin control on their own lands and on the half-width of roads adjoining those lands; this measure proposes that the local authorities, that is, vermin boards and councils, will assume the responsibility for vermin control on the roads but that

the costs involved will be a charge on the adjoining landholders as to the half-width of the roads adjoining their lands.

The principle Act also laid on owners or occupiers the duty to comply with directions of the local authorities with regard to the control or destruction of vermin on the lands of those owners or occupiers; in practice the provisions relating to this matter have been found to be somewhat complicated in operation and accordingly they have been somewhat simplified. In form this measure proposes the repeal of Part II of the principal Act which dealt with vermin destruction and the enactment of two parts, the first dealing with matters of administration and the second dealing with control and destruction.

In matters of administration and practice regard has been paid to the Weeds Act which was passed by this House in 1956, since the administrative problems associated with weed control are in some respects not dissimilar to the problems associated with vermin control and at the same time regard has been paid to the experience of the authorities in relation to weed control. Clauses 1 to 4 are formal. Clause 5 effects certain amendments to the definition sections in the following respects:

(*a*) a definition of "areas" has been included to relate to the extended definition of a council, which now includes certain statutory bodies having the functions similar to those of district and municipal councils;

(*b*) the definition of "control" has been widened to include the destruction of warrens, burrows and harbour of vermin and related to an ascertainable standard, that is, to the satisfaction of an authorized officer, it is felt that this is a more practical approach;

(*c*) a definition of "restricted poison" has been included as has a definition of "committee"; and

(*d*) the definition of "vermin" has been extended to relate to the proposed new power to be conferred on the Governor to declare an animal to be vermin in a limited part of the State.

Clause 6 inserts a new Part 1A relating to the general administration of the Act. In Division I the Vermin Control Advisory Committee is formally created and its method of functioning and powers are provided for. In Division II provision is made for the appointment of two classes of authorized officers, Government authorized officers appointed by the Government and local authorized officers appointed by the local authorities, that is, councils or vermin boards. The powers of authorized officers are set out in this Division. Generally this Division follows the Weeds Act. In Division III provision is made for grants to local authorities for approved programmes of vermin control and while this is a relatively new provision in relation to vermin it is again based on a comparable provision in the Weeds Act. Proposed new clause 14 vests in the Minister the powers of a council in areas of the State where there is no council or vermin board.

In Division IV the question of vermin control on Crown lands and other lands occupied by the Crown or its instrumentalities is dealt with. Clause 7 inserts a new Part II in the principal Act. New section 16 provides for the declaration of vermin in relation to the whole State or in relation to a part of the State. New section 17 provides for the declaration of certain highly dangerous poisons as restricted poisons and section 18 permits the Governor to make regulations regarding the use of poisons and restricted poisons. New section 19 sets out the respective spheres of influence of councils and vermin boards and parallels the previous provisions of the principal Act. New section 20 sets out the general duties of councils and boards and again follows the duties provided for previously.

New section 21 incorporates a departure in that it imposes a duty on the council or board to control vermin on roads and on such lands referred to in proposed new section 15 as the Minister directs. Provision is made for the council or board to recover amounts expended on this work from the occupiers or owners of the land or the Crown as the case may be. New section 22 permits a council to declare a rate for the purposes of carrying out its duties under new section 19. Provision has always been provided at Part IX for a vermin board to levy rates. New section 23 provides an authority for the council or board to be reimbursed for expenditure on Crown lands and lands of the Crown. New section 24 permits the council or board to seek reimbursement for certain expenditure on roads from the owners or occupiers of land adjoining those roads.

New section 25 permits repayments to councils or boards of certain expenses that the councils have borne on behalf of the Crown. New sections 26, 27, 28 and 29 provide for the joining by two or more councils to form an associated councils vermin board. This is a

re-enactment of a provision contained in the principal Act. New section 30 provides that the Minister may direct a council or board to carry out their duties under the Act and in the event of a failure to comply with that direction empowers the Minister to carry out the work at the cost of the council or board. New section 31 empowers a council or board to make agreements with owners or occupiers of lands for the control or destruction of vermin. This is a new provision and one much desired by councils.

New section 32 repeats a provision in the principal Act relating to a duty on the owners and occupiers to control vermin on their land. A penalty is now provided for a breach of that duty. New sections 33, 34, 35, 36, 37 and 38 set out the new procedure in relation to directions from a council or board, the procedures being as follows:

(*a*) the council or board may by notice in writing direct an owner or occupier to carry out certain work within a given time;

(*b*) the owner or occupier may appeal to the Minister against the direction and the Minister may amend, vary or annul the direction;

(*c*) if the Minister confirms, varies or annuls the direction he must advise the owner or occupier; and

(*d*) if the owner or occupier does not then comply with the direction or the direction as varied, he is liable to a penalty and the council or board may do the work at his expense.

These provisions replace the somewhat more cumbersome provisions, which had substantially the same effect, in the principal Act. In Division IV, new sections 39, 40 and 41 make special provision with regard to breakwind reserves and drainage lands. The provisions are necessarily a little complicated in form but in general they place the responsibility for maintenance of the reserves and drainage lands on the owners or occupiers of adjoining lands when they have the use of them for grazing purposes and otherwise recognize the responsibility of the appropriate council or board for roads. Clauses 8 to 10 merely make amendments to the principal Act consequential on the amendments effected by clauses 1 to 7 of the Bill. Because of the pressure of work on the Government Printer at present, it has not been possible at this stage to obtain a printed copy of the Bill. However, for the convenience of members, I have provided stencilled copies. Although certain errors have been made in these copies, I point out that they have been noted and will be corrected in the printed Bill.

Mr. NANKIVELL secured the adjournment of the debate.

IRRIGATION ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Irrigation Act, 1930-1946. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

It makes several amendments to the principal Act. The first amendment is made by clause 3 which amends the definition of "ratable land". Since 1941 when the present definition was enacted, a good deal of land above the level of main channels has been developed and irrigated by means of re-lift pumping plants and sprinkler irrigation. It can be said that before the use of re-lift plants an irrigation water supply was available to so much of the land as could be irrigated by gravitation from an adjoining departmental channel. Nowadays such a water supply is feasible for any land above or below the channel provided that the landholder is prepared to install facilities for conveying it from the departmental headworks. Furthermore, at Loxton and Cooltong, the department provides block pumping units to deliver irrigation water to land above the main channels.

There are lands within irrigation areas which are used for the production of annual crops and irrigation water is supplied under conditions applicable to special irrigations; that is, holders order and pay for the quantity they need from time to time and in essence that quantity is then supplied as and when this can be done without prejudicing the requirements of permanent plantings or unduly prolonging the pumping period. Notwithstanding these conditions, it can be said that a water supply is available for such lands. The same could be said of a landholder if he took water without authority as it could be said that the water supply was available because it was in fact found that the landholder had been able to get water on to the land.

Land which is and should be subject to water rates is that land to which a supply is properly approved and is available continuously as in town water supply or during a regular general irrigation programme elsewhere. In this latter regard some highland areas are supplied with five general irrigations and others

with four according to the wishes of the majority of the settlers in the district and the annual rate varies according to the number of general irrigations. Settlers have the opportunity to order and pay for additional waterings as special irrigations. In the reclaimed areas, up to 14 irrigations are supplied each season before individuals are required to pay for specials, whilst at Loxton and Cooltong there is no maximum number of general irrigations fixed because the supply is measured and actual consumption is charged for at a rate regarding an acre inch. However, in these two districts those irrigations considered to be required for the majority of plantings are designated general irrigation and others are special irrigations.

Developments over the years have therefore given rise to some uncertainty as to just what land is or should be ratable in terms of the present definition and the amendment is intended to clarify the position. The amendment replaces the words "for which a water supply is available" at the end of the definitions, with the words "for which the Minister has approved and made available a water supply in return for a rate fixed and payable annually". Clauses 4 and 5 relate to the limitation of areas which may be held under the principal Act, amending sections 25 and 26 respectively. The limitation of area section in the principal Act has varied from that which existed in 1908 when blocks were to be of such size as should contain not more than 50 acres of reclaimed land and not more than 50 acres of land considered by the Minister to be irrigable land plus any area of other land and no lessee was to be permitted to hold more than one block. Various amendments have since been made from time to time.

First, it was provided that there should be no limit to the area of land and the number of blocks if not more than 50 acres in the aggregate was reclaimed or irrigable land; a further variation was brought in in 1930 which for the first time included provisions for more than 50 acres of irrigable land in the aggregate to be held by one person, but this concession applied only to land in the Jervois irrigation area. Subsequently, in 1941, section 25 was amended so that permission to hold more than 50 acres might be granted in respect of reclaimed land if in the opinion of the Land Board such permission was necessary in order that a person might be in a position to work his block with a reasonable likelihood of success. In each case reference was made to "irrigable land", being land which was considered to be irrigable by the Commissioner or the Land Board and so on.

For the same reasons as set out in connection with the amendment to the definition of ratable land, that is, the widespread use nowadays of sprinkler irrigation and re-lift plants, and provided the landholder is prepared to put in the facilities to convey water from the department's headworks, then any land he holds can be made irrigable. In addition, circumstances can arise in which it would be reasonable to allow a person to hold more than 50 acres of high land in order that he might be in a position to work his block with a reasonable likelihood of success but as the Act now reads there is no power whereby the Land Board or the Minister can permit more than 50 acres of irrigable land to be held in the highland areas.

The amendments to section 25, made by clause 4, serve two purposes; first, to grant authority for settlers in highland areas as well as those with reclaimed land to hold more than 50 acres and up to 100 acres if justified by circumstances; and, secondly, to relate the limitation of 50 acres to ratable land rather than irrigable land. This means of course that the class of land which is to be taken into account is more clearly defined than at present. Land which is watered only by means of special irrigation and is therefore not ratable or "entitled" to a regular water supply would not be counted towards the acreage limitation. To this extent the amendment provides for a more generous application of a limitation of areas clause for both reclaimed and highland areas and, as stated earlier, it puts both reclaimed and highland areas on the same footing.

For the same reasons as in connection with the amendments to section 25, the limitation of areas in section 26 (amended by clause 5) is related to the area of ratable land rather than irrigable or reclaimed land. Clause 6 amends section 43 of the principal Act which empowers the Minister to grant licences to take timber, stone, etc., from unleased Crown lands in an irrigation area. The amendment extends the power to cover land comprised in a miscellaneous lease, a power which is already being exercised. It is considered desirable to make express provision in this regard. This amendment extends the power to issue licences to take timber, stone, etc., from land comprised in a miscellaneous lease, a power which is also already being exercised.

Clause 7 amends section 50 of the principal Act which provides that persons of any Asiatic race who are not subjects of the Queen cannot be lessees under any lease issued under the Act. It is out of keeping with modern thinking throughout the world that such discriminatory provisions should exist, and indeed there are international conventions on the subject. It is desirable that Australia should not lag behind other countries in having such provisions on its Statute Book. Accordingly this particular disqualification is removed.

Mr. RODDA secured the adjournment of the debate.

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL

In Committee.

(Continued from October 24. Page 2960.)

Clause 3—"Interpretation."

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

In paragraph (*a*) to strike out "definition" second occurring and insert "definitions"; and to insert the following new definition:

"billiards" means any game that is played upon a billiard table, nine feet or more in length.

The reason for inserting this new definition is that, under the original provisions of the Licensing Act governing the playing of billiards in billiard saloons, one obtained a billiard table licence. However, the new provision in this legislation relates to the playing of billiards or to places where billiards is played. It was pointed out by certain billiard saloon proprietors that these provisions could conceivably be evaded by people saying that, instead of billiards being played, snooker or pool was being played and that neither game was billiards. It is also desired that places where short tables are used and where a form of minor billiards is played should not come under the control of the legislation as do billiard saloons. It was thought that this could be properly covered by defining the size of the table, that being the size of table on which billiards, snooker or pool is normally played. The way to do this was simply to define "billiards" as any game that was played on a billiard table 9ft. or more in length.

Amendments carried.

Mr. FERGUSON: I move:

In paragraph (*b*) after "area" to insert "and inserting in lieu thereof the following definition:

'metropolitan area' means the Metropolitan Planning Area as defined in the Planning and Development Act, 1966-1967".

I point out that no politics are involved in my amendments. I have put them on the file of my own volition and without referring to anyone else. As I have later amendments that refer to the metropolitan area, I believe the definition of "metropolitan area" must be included in the Bill.

The Hon. D. A. DUNSTAN: I regret that I cannot agree to the honourable member's amendment. In the submissions made by the churches to the Government it was contended, and the Government agreed, that the provisions of the Bill should apply to the whole State. I do not believe we should write into the provisions a double standard: that is, one standard for the metropolitan area and another for country areas. If, in fact, there is something that should be prohibited in the metropolitan area, it should be on other grounds than that it is in the metropolitan area—grounds such as inconvenience to the public and the like. This can be properly coped with by the clauses of the Bill.

I appreciate what the honourable member is trying to do and I should not for a moment suggest that he is moving this amendment in anything other than the way he has explained. However, with great respect to him, I do not think this is a wise provision. I think that we should have the necessary exceptions granted from the prohibited entertainments or games on grounds clearly stated, and that those grounds should be the same anywhere in the State. True, some different conditions obtain in the country, but they will be covered in the grounds set forth in the exercise of the Minister's discretion. If the honourable member looks at the amendments I have on file, he will see that they accomplish much the same thing as he is trying to accomplish by his amendments.

The Hon. G. G. PEARSON: In the second reading debate, the member for Adelaide intimated that he intended to amend new subsection (4) of section 20. I have had discussions with the heads of one church. When I discussed the matter last, neither I nor they were clear about the proposals. Letters that members have received show that the churches are still very much concerned about the conduct of major sport in the metropolitan area on Sundays. Examples of that concern are shown in a letter I received this morning and also in a letter from the South Australian Methodist Conference last week. The Lutheran community also is concerned. The

Premier has been reported as saying that seconds football matches would probably be permitted.

The Hon. D. A. Dunstan: They will be permitted by the Bill, but whether they take place is an entirely different matter. A permit would not be needed for a seconds match.

The Hon. G. G. PEARSON: The member for Yorke Peninsula is following the suggestion of the churches and of the member for Adelaide.

The Hon. D. A. Dunstan: His amendment would not refer to seconds football matches.

The Hon. G. G. PEARSON: That depends on the scope of the permit. Sporting events conducted in confined parts of the metropolitan area could have a harassing effect on church activity. We are not facing realities if we assume that a seconds football match conducted in the metropolitan area will not encourage the assembly of considerable crowds that will express themselves as football crowds usually do. I have no objection to non-commercialized forms of relaxation, but I object strongly to allowing the development of commercialized activity.

This part of the Bill makes a major change in the conditions that have operated for many years, despite the Premier's statement that he thought it would be inadvisable to make further sweeping changes during the term of this Parliament. Other Parliaments will be able to consider amendments from time to time, and we ought to accept the advice and pleadings of the churches and move more slowly. The churches consider that more time ought to be allowed for the consideration of these provisions. Apart from the objections that have been raised by the churches, other people, including constituents who would not mind my saying that their religious affiliations were somewhat tenuous have opposed the making of such alterations to the law at present. Church bodies should have the opportunity to do what they want to do and, if the Premier does not accept the amendment, they may change their views.

The Hon. D. A. Dunstan: Are you saying that if I do not agree the church leaders will take an adverse view? I do not think that is so.

The Hon. G. G. PEARSON: Several churches are convinced that they have been sold short by the Premier on this matter, and the Methodist Church is one.

The Hon. D. A. Dunstan: Who said that they have been sold short?

The Hon. G. G. PEARSON: They may not have used precisely that term, but the Premier has been trying to regain some of the goodwill that he knows he has lost. I know what I am talking about, because many Methodist Church leaders have been my personal friends for more than 20 years. They are anxious to be courteous to the Premier and have tried to avoid public controversy. I do not intend to disclose the texts of private conversations I have had, but on one occasion, only a few minutes after a conference with highly placed members of the Methodist Church, the Premier was broadcasting its contents to the world. It would we wise to delay this legislation, or at least to restrict its scope.

The Hon. B. H. TEUSNER: I again ask the Premier not to proceed with certain clauses. I know that various church bodies made representations to the Premier about desirable amendments, and they were told that this legislation would be similar to the Tasmanian Bill. Because there seems to be a misunderstanding, everyone concerned would be happier if the Premier heeded that old maxim *festina lente*. The Premier should delay the consideration by members of this legislation until all aspects of clause 6 have been fully considered not only by church leaders but by members of this House, so that they might be fully acquainted with the feeling in the community. It is clear that the present provisions are not what were wanted by those with whom the Premier consulted, and I refer particularly to what the Rev. Keith Smith said. He said the more one examined the Bill, the surer one became that the criticism of undue haste was valid and proper.

The ACTING CHAIRMAN (Mr. Hughes): The honourable member is not speaking to the amendment.

The Hon. B. H. TEUSNER: Although the amendment is not entirely what I desire, it would improve the Bill. I should be prepared to support it unless the Premier indicates he has something better to offer.

The Hon. D. A. DUNSTAN: I have already given my reasons for saying this is not a proper amendment. We have heard this afternoon of the submissions that have been made to me by the Methodist Church, but not even one of those submissions contained a proposal of this kind. I am not suggesting that that is contrary to what the member for Yorke Peninsula has said, but the member for Flinders has seen fit to lay charges at my door and to make innuendoes as to the attitude of

people towards me as a result of my negotiations with them. I believe that, in my negotiations with those gentlemen, they have been sincere and that, when they said they believed I was being sincere, they were being sincere. I do not accept for one moment (and I resent the imputation) that people are saying I have in any way sold them short on this matter.

Mr. Millhouse: They are saying it.

The Hon. D. A. DUNSTAN: If they are, I hope they will say it openly and to my face. I do not know what the honourable member has heard about this, but if he is prepared to make statements in this House, I hope he will ask his informants to say these things to me because, if he is referring to anyone who came to see me, that is not what they have told me. Indeed, it is completely to the contrary of what they have told me.

Mr. Millhouse: The plain fact—

The Hon. D. A. DUNSTAN: The honourable member has had an opportunity to have his say, and he will have another opportunity to get up and speak if he wants to. I suggest that he keep quiet for a while and let me have my say because other people have had theirs.

Mr. Millhouse: The plain fact is that you have been using the churches up.

The ACTING CHAIRMAN: Order! Order! Interjections are out of order.

The Hon. D. A. DUNSTAN: I bitterly resent and am utterly disgusted that the honourable member should have said what he said a few moments ago, and I will have something to say to him outside this House about it shortly. That he should suggest that I have been using the churches in this matter is a disgusting thing to say, and I resent it bitterly. The honourable member likes to parade his Christianity, yet he comes into the House and says a thing like that about my negotiations with the churches in this matter, when every church leader who has written to me on the matter has thanked me.

Mr. Millhouse: That doesn't accord with the letter from Pastor Minge.

The Hon. D. A. DUNSTAN: I refer the honourable member to the thanks passed on to me by church leaders and their representatives on the basis of my original approach to them, and I point out that even those who did not agree with the Government's proposals passed resolutions at the highest level in many cases, thanking me for the courtesy I had shown the churches in trying to keep them fully informed on this matter and for taking them into the Government's confidence on what was to be considered. The member for Hindmarsh (Hon. C. D. Hutchens) can testify to that in relation to his own denomination.

The Hon. G. G. Pearson: Much water has flowed under the bridge since then.

The Hon. D. A. DUNSTAN: I can only say in reply that not only did the reverend gentleman from the church to which the honourable member belongs speak to me on this matter: the Immediate Past President of the South Australian Methodist Conference spoke in glowing terms. I ask the honourable member, since he is a friend of the reverend gentleman, to ask the Rev. Philip Potter about how the dialogue with the church proceeded on this matter. The honourable member will be told that I tried to see that I negotiated with the church sincerely and clearly on this matter. I do not know then what the honourable member is talking about when he makes such accusations. I accept that the member for Yorke Peninsula is not involved in politics in this matter, but in view of the statement of the member for Flinders this afternoon I cannot accept that he is not involved in politics. Rev. Philip Potter was one of the first people from the Methodist Church who came to see me personally on this matter.

The Hon. G. G. Pearson: I don't dispute that.

The Hon. D. A. DUNSTAN: Very well. The honourable member made an accusation in this House that immediately I had negotiated with certain members of the Methodist Church I rushed into print about it. I do not know what he is referring to. I have not rushed into print as a result of negotiations with the Methodist Church. Only once did I say anything to a newspaper reporter about it, and even that was after the Rev. Mr. Potter and the Rev. Mr. Vogt came to see me. The newspaper reporter asked me about it because he knew they had been to my office. I said I thought things were happier and that there was a better understanding. I said I did not want to make any statement on it, and no statement of mine appeared. I referred the reporter to Mr. Potter and Mr. Vogt, and Mr. Potter did, in fact, make a statement. Yet the honourable member now comes into the House and says that I rushed into print on the matter. That is the sort of thing I deride.

I have negotiated sincerely with the churches according to my beliefs and sincerity and I have been trying to do an effective job. Representatives of the churches, even those of the honourable member's church, have acknowledged the difficulties with which I was

faced on the contentions which they had originally put forward. As a result, they have amended their proposals and put forward other proposals. I have corresponded with the Rev. Mr. Smith this afternoon, explaining the basis on which the Government is seeking to deal with his proposals in an effort to go a substantial way towards what he has proposed.

I do not know whether the honourable member is going to run round the State now and say that the Methodist leaders are saying I have sold them short. I hope that he is not going to continue with that sort of thing and that this debate will continue on the lines on which it should have continued, the lines initiated by the member for Yorke Peninsula, who dealt with this matter very differently from the method used by the honourable member.

Mrs. STEELE: I support the mover of the amendment and the member for Flinders, who has just spoken and who was challenged by the Government to name the churches which had disagreed to, or were not happy about, the legislation. If one examines clause 6 and sees the number of amendments to be moved in connection with it—

The ACTING CHAIRMAN: I remind the honourable member we are dealing not with clause 6 but with clause 3.

Mrs. STEELE: One has only to see the number of amendments standing in members' names to realize that there is much disquiet regarding the Bill. I am certain that, if the member for Flinders had been given a moment to think instead of being challenged at once by so many Government members, he, too, would have referred to the comments of Sir Phillip Messent (President of the United Churches Social Reform Board) which were published in this morning's press.

The ACTING CHAIRMAN: I am afraid I have to draw the honourable member's attention to the fact that we are dealing with the amendment, and that what she is now saying has no relation to the definition. It could better be dealt with under clause 6.

Mrs. STEELE: Preceding speakers, including the Premier, have been allowed much latitude in discussing this amendment and, with due respect, Sir, I consider that I am in order in referring to this matter. As the President of the United Churches Social Reform Board points out, this matter concerns not one church but every church.

The Hon. G. G. Pearson: I didn't have to read the newspaper: I received the submission from Sir Philip himself.

Mr. Hudson: How is this relevant to the amendment?

Mrs. STEELE: Perhaps this is a matter on which you should rule, Mr. Acting Chairman. I repeat that much latitude has been allowed other speakers, and I do not think I am going any further than others have gone.

The CHAIRMAN: I allowed no latitude prior to leaving the Chair and, since resuming the Chair, I have been following the honourable member's remarks. I have been wondering how the honourable member intends to link her remarks to the clause. I suggest that she continue, and I will rule whether her remarks are relevant to the amendment.

Mrs. STEELE: I wished to discuss the purpose of the amendment, and I was referring to matters to which previous speakers had referred. I fail to see how I can be ruled out of order in referring to those matters. I was referring in broad terms to the amendment and to the concern about this matter of churches in the community, apart from the Methodist Church—

The CHAIRMAN: The honourable member is not in order in discussing clause 6, if that is what she intends.

Mrs. STEELE: I am not discussing it.

The CHAIRMAN: Although I do not know what the churches have had to say about clause 3, I know what they have had to say about clause 6. The honourable member's remarks would be in order regarding clause 6. The question before the Chair at present is whether or not the Bill should contain a definition of the metropolitan area and, if it should, what that definition should be.

Mrs. STEELE: If you so rule, Mr. Chairman, I cannot understand how the Acting Chairman could have considered other members in order, but I suppose that is beside the point. Having raised this issue, and knowing something of the matter myself, I think I have said sufficient to enable other members to challenge the Government's attitude, and I shall perhaps refer again to this matter later.

Mr. McANANEY: This is a most important amendment and, despite what the Premier is reported to have said previously, I think that if permits are granted to conduct in the metropolitan area any of the prohibited sports concerned many people living near the venue of such sports will be considerably disturbed. Only about 10 days ago, I attended a sporting event at the Kensington Oval, at which marching girls were present; recorded music was being amplified at the oval and, when it

came to making speeches later in the afternoon, one of the speakers said that he had to speak softly because of complaints of noise that had been received from many people living nearby. A definition of the metropolitan area must be included in the Bill. Although the Minister concerned must be allowed to exercise some flexibility under the Bill, I oppose allowing him too much discretionary power. It is for Parliament to lay down definite guide lines.

Mr. HUDSON: I oppose the amendment. The definition of the metropolitan area in the principal Act precludes the operation of the Act (except for the making of a special proclamation) in any areas outside the metropolitan area. Country areas generally have hitherto experienced no restrictions on Sunday activities, except for restrictions that have been self-imposed or imposed by the owners of premises or grounds at which activities are conducted. We have had a somewhat inconsistent provision, as public entertainments and commercial organized sport have been controlled only within a restricted definition of the metropolitan area.

The Hon. G. G. Pearson: I do not think that's correct: the Chief Secretary exercised jurisdiction and imposed certain restrictions on sport in country areas, too.

Mr. HUDSON: Under what power?

The Hon. G. G. Pearson: Under his powers as Chief Secretary contained in the Places of Public Entertainment Act.

Mr. HUDSON: I refer the honourable member to section 4 of the Act. Unless there has been a proclamation as provided in section 4 in regard to any area of the State outside the metropolitan area, then the honourable member is incorrect.

The Hon. Sir Thomas Playford: I think there have been proclamations.

Mr. HUDSON: Well, if there have been, no member seems to know much about them, and they probably date back many years. However, the position now is inconsistent: restrictions are applied in the metropolitan area and the rest of the State has a free go. The amendment does not have any relevance to the argument of the member for Flinders. It is designed to perpetuate the inconsistency in the treatment of the metropolitan area compared with that of country areas. Parts of the outer suburbs of the metropolitan area are no different from the centres of country towns. A general rule should be laid down that would apply throughout the State. If the amendment is carried, restrictions will apply in the metropolitan area. The implication has been that the amendment was wanted by the Methodist Church.

The Hon. G. G. Pearson: I asked for the matter to be restricted. I supported the amendment because the member for Yorke Peninsula knew that certain practices had taken place in northern towns of the State.

Mr. HUDSON: They have been carried on in the South-East and elsewhere.

The Hon. G. G. Pearson: The member for Yorke Peninsula is aware of that and seeks to restrict the operation of the Act to minimize the problem.

Mr. HUDSON: We should adopt a consistent attitude. We should lay down the circumstances under which the Minister can grant a permit. If those circumstances (as is likely) apply more frequently in the metropolitan area than in other areas, through the operation of the permit system the Chief Secretary will be much less willing to grant a permit in relation to any function within the metropolitan area than he will be in relation to a function in a country area. If we lay down the things to which the Minister must pay attention, what members opposite seem to want will be achieved and we will also be consistent. The amendment does not merit support.

Mr. MILLHOUSE: I should not have spoken but for the harsh and bitter things the Premier said about me after I interjected. Those things were deeply hurtful and I regret that he said them. Whatever he may have said, the fact remains that he has, throughout the last fortnight—

The CHAIRMAN: Order! The honourable member should direct his remarks to the clause.

Mr. MILLHOUSE: This is a matter on which the Premier said some harsh things about me. I think I should have the right at least to reply to him.

The CHAIRMAN: I have allowed the honourable member some latitude but it seems that he intends to continue to speak about the way somebody else spoke about him.

Mr. MILLHOUSE: What happened while you, Sir, were out of the Chamber was that I interjected and said that the Premier had used the churches up. He invited me to justify that statement, and that is all I am going to do.

The CHAIRMAN: I will advise the honourable member what he must do, and he must direct his remarks to the clause.

Mr. MILLHOUSE: I will do that. This is obviously a key amendment and, if it is lost, the whole position will be lost. The point at

issue between the Premier and me, and the point on which he invited me to justify myself, was my interjection that he had used the churches up. I want to justify that. My justification for saying that is that over the last fortnight the Premier has tried to tell the people of South Australia that this legislation has been brought in with the blessing of the churches, whereas—

The CHAIRMAN: Order!

Mr. MILLHOUSE: — it is perfectly obvious that that is not so.

The CHAIRMAN: Order! The honourable member will take his seat. When the Chairman calls for order, he expects it. The honourable member for Mitcham is out of order in dealing with the matter with which he is dealing: it would be more relevant to clause 6. However, the question at the moment is whether the amendment should be accepted. The attitude of certain churches towards sport on Sunday is related to clause 6.

The Hon. Sir THOMAS PLAYFORD: I support the amendment regretfully, because there is something in the statement by the member for Glenelg that it introduces an inconsistency. However, I am completely opposed to the general principle laid down in the Bill, and the inconsistency would lessen to some extent the operation of the Bill or some of the clauses. I think it was in 1942 that my Government extended the operation of the Places of Public Entertainment Act to cover the whole State, and that amendment gave rise to a difficulty regarding fire protection at the Clare Town Hall. I understand that the proclamation referred to by the member for Glenelg was made. I am justified in my support of the amendment because, although it creates an anomaly, it alleviates the mischief which is done by the Bill and which could have a disrupting influence in the community. It would be in the interests of the Government and of the State to allow the matter to stand over. I do not consider that this measure is wanted by the churches or supported by them.

The CHAIRMAN: Order! The honourable member is not in order.

The Hon. Sir THOMAS PLAYFORD: I am connecting my remarks by pointing out that I consider anything that will lessen the influence of the Bill to be in accordance with the desires of the community.

The CHAIRMAN: The honourable member is out of order. He cannot get away with that explanation.

The Hon. Sir THOMAS PLAYFORD: I accept your ruling and shall vote for what I consider to be an anomaly in order to try to destroy some of the implications of the Bill.

The Committee divided on the amendment:

Ayes (14)—Messrs. Bockelberg, Coumbe, Ferguson, Freebairn, Hall, McAnaney, Millhouse, Nankivell, and Pearson (teller), Sir Thomas Playford, Messrs. Rodda and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (16)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Langley, Loveday, McKee, Quirke, and Walsh.

Pairs—Ayes—Messrs. Brookman, Heaslip, and Stott. Noes—Messrs. Casey, Jennings, and Ryan.

Majority of 2 for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 4—"Exemption to certain clubs."

Mr. COUMBE: What is a *bona fide* club?

The Hon. D. A. DUNSTAN: It is a club conducting a business as a club in good faith for that purpose. It does not have to be registered or incorporated but it has to be effectively a club: that is, an association of members gathered together for a mutual purpose. People have conducted businesses and used the device of having a constitution and calling their customers members of the club, but profits go to the entrepreneur, but that is not a *bona fide* club.

Clause passed.

Clause 5 passed.

Clause 6—"Limitation on Sunday entertainments."

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

In new subsection (3) to insert the following new paragraph:

or

(*b*1) a cricket match or a tennis match between teams representing any States or Territories of the Commonwealth or any countries or nations.

I have had representations, particularly from the Methodist Church and from the Rector of Holy Trinity Church, that international or interstate cricket or tennis matches are likely to draw large crowds and to require many people to work. They could conceivably be disturbing, and should be added to the list of prohibited games without a permit on Sunday.

Mr. FERGUSON: I am pleased that the Premier has taken notice of a similar amendment of mine that I had placed on the file.

These matches should have been placed on the original list. The South Australian Cricket Association and the South Australian Lawn Tennis Association have not requested that matches be played on Sunday. Also, it is necessary for those playing these games to rest on Sunday.

The Hon. B. H. TEUSNER: Representations were made by churches some time ago that these cricket and tennis matches be included in this provision. On October 17 the *Advertiser* reported the Premier as saying that he did not agree with the church view that major tennis and cricket matches should be prohibited on the ground that they would lead to a disturbance of Sunday afternoon peace. Apparently, the Premier has had further representations from the churches and has now included these matches. I understand that new subsection (3) (*a*) provides that only matches between senior teams must have a permit. I think this could have gone further and included matches between the B grade teams that are generally played as curtain raisers to the league football matches. Considerable disturbance is caused by the holding of such matches, and some church bodies did not realize until they had their first discussions that B grade matches were not to be included in new subsection (3).

Mr. FERGUSON: Will the Premier explain new subsection (3) (*a*)?

The CHAIRMAN: Order! The question before the Committee is the inclusion of the amendment moved by the Premier. When these amendments are finished and before the clause is put, the whole clause will be open for discussion.

The Hon. G. G. PEARSON: I support the amendment because it includes in the restrictions an additional group of major sports. However, this is being included in a list of functions for which permits may be granted.

Mr. Shannon: It is not a prohibition entirely.

The Hon. G. G. PEARSON: That is correct: it only brings them within the scope of the Minister's surveillance. The amendment imposes on the Minister an additional responsibility that is already greater than he should be asked to bear.

Mr. COUMBE: Does the Premier expect that an organization holding a horses-in-action gymkhana on a Sunday would experience difficulty in obtaining a suitable permit?

The Hon. D. A. DUNSTAN: No. This is one of the difficulties of producing a clause as suggested by the Rev. Keith Smith, the representative of the President of the Methodist Conference: that we should have a list of absolute prohibitions. This would have meant that horses-in-action shows, the gala gymkhana at Gawler, and other such functions would be excluded and unable to obtain permits. Flexibility is necessary, and such functions as horses-in-action gymkhanas should have no difficulty at all in getting a permit, subject to the other things the Minister must examine.

Amendment carried.

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

In new subsection (4) after "entertainment" first occurring to strike out "a permit" and insert ", on such conditions as the Minister deems necessary or expedient to ensure public order, decency and propriety, a permit (which may be revoked on breach of any condition)"; and after "period" to insert "and during the hours".

These amendments repeat the provision that occurs elsewhere in the Act for the granting of a permit and ensure that the Minister may revoke a permit. This was specifically pointed out by the Rev. Mr. Smith in his objections to me. I agree with his suggestion that it should be spelt out in the Bill.

Mr. COUMBE: Can a permit be granted to an agent, or must it be given only to the proprietor?

The Hon. D. A. DUNSTAN: It must be granted to the proprietor for a particular class of entertainment. New subsection (4), as amended, provides:

The Minister may grant to the proprietor of a licensed place of public entertainment, on such conditions as the Minister deems necessary or expedient to ensure public order, decency and propriety, a permit . . .

The Hon. B. H. TEUSNER: Could a permit be granted for a function commencing before 1 p.m. on Sunday?

The Hon. D. A. DUNSTAN: Yes, it could. That was the intention, because numbers of functions that take place before 1 p.m. on Sunday would otherwise be prohibited by this clause. As it stands, the clause is a little ambiguous on that score and, to make it clear, I shall move another amendment.

The Hon. G. G. PEARSON: What will be the Minister's policy on the duration of permits? It is provided that a permit may be revoked for any breach of its conditions, and that would seem a useful method of keeping a degree of control if the permits were of reasonably short duration. However, where an organization sets itself up to conduct a certain

form of entertainment under a permit, it would probably need a reasonable duration in order to meet its obligations to cater for the public. Nevertheless, I should hope that the duration was generally short rather than an extended period.

The Hon. D. A. DUNSTAN: In the exceptional cases in which people applied for a permit that involved a departure from existing practice, the permit would probably apply only for a single day. If, for instance, it is intended to have a certain number of football fixtures in a country area, the people concerned could apply for a permit covering the dates of those fixtures, and I think such a permit would be granted in those circumstances.

The Hon. G. G. PEARSON: I know of one area in this State where the soccer matches played on Sunday seem to generate that degree of feverish excitement that often ends in trouble. Would that sort of behaviour on the part of teams or spectators come within the scope of revocation under this clause?

The Hon. D. A. DUNSTAN: Yes.

Mr. COUMBE: I believe that the second amendment is necessary. Although I realize that every case must be judged on its merits, has the Government decided, as a matter of policy, whether during certain hours on a Sunday no particular type of entertainment shall take place, or will it rely on individual applications?

The Hon. D. A. DUNSTAN: Of course, this provision applies only to the prohibited list. If a permit were granted for a cricket match, it would be unreasonable to grant it only after 1 p.m., because sufficient time would not exist for the match to be held. I do not think anyone can lay down specific policy here, other than that the Minister must consider what is prescribed for him to examine before granting a permit.

Amendments carried.

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

In new subsection (4) to insert the following new paragraph:

(*a*1) whether in consequence of the permit being granted there will be a significant increase in the number of persons required to work on a Sunday who would not otherwise work on that day.

Most of the churches have differed from the point of view advanced by the President of the Lutheran Church, who claimed that there should be a protection provided for church activities and the activities of people generally on a Sunday. Although I entirely respect that point of view, I point out that it is not the majority point of view as represented to me. The Methodist Church wished to keep Sunday as far as possible a family day and to retain the right for people not to have to work, although if they wished to work that was a different matter.

Amendment carried.

Mr. FERGUSON: As many country football teams are apparently affiliated to the South Australian National Football League, can the Premier say whether such teams would have to apply for a special permit to play on Sunday?

The Hon. D. A. DUNSTAN: Not as I understand it. I understand this position was checked with the league, and in this form the provision refers only to senior metropolitan league teams.

The Hon. G. G. Pearson: That means, I take it, that there is no control of Sunday football in country areas?

The Hon. D. A. DUNSTAN: Not unless an Adelaide league team is playing.

The Hon. G. G. Pearson: Then no permit is required?

The Hon. D. A. DUNSTAN: That is correct.

The Hon. G. G. PEARSON: That is a rather serious position. The Committee has just discussed the possible anomalies that would be created if a certain amendment had been carried, and the basis of that discussion was that provisions should be the same all over the State, the member for Glenelg having himself advocated such consistency. I cannot reconcile that position with what the Premier has just said. The football that should be the subject of a permit is apparently to be only the football played by the eight participating teams in the major league, and that is contrary to the impression I had of this provision. This matter was canvassed, at least in my district, and it was assumed that the senior teams of, say, the Port Lincoln association, which is affiliated to the South Australian National Football League, would be required to obtain a permit before any major football matches in that area, or in any other part of the country, could be played. In this case, the position will be created whereby entirely different conditions will apply in the country from those that apply in the metropolitan area. The Mortlock Shield competition is conducted at Port Lincoln each year during a long weekend and the teams taking part come from associations throughout Eyre Peninsula. It is a major carnival and attracts a great many people to Port Lincoln. However, at present no play takes

place on Sunday. As I presumed that this carnival would have to qualify for a permit before Sunday play would be allowed, I was astonished to find that play on Sunday would be able to take place without a permit. Therefore, the provisions of the Bill relating to noise and so on will not apply in this case. I presume the same position will apply in regard to soccer and other forms of football.

Mr. Hudson: The Mortlock Shield competition could be conducted now on a Sunday. Does the council own the ground:

The Hon. G. G. PEARSON: Yes.

Mr. Hudson: Well, it could still refuse permission for football to be played on a Sunday.

The Hon. G. G. PEARSON: This clause should be left out of the Bill. Most people want to consider its provisions further. Although the Premier linked it with other matters, its provisions were not urgent and, had he wanted to, the Premier could have left it out. However, he was looking for an opportunity to offer another concession to the public. The whole burden of representations made outside this place to members was to the effect that these provisions should be left out of the Bill at this time. The fact that the churches have had to meet urgently and confer with the Premier shows that the legislation has largely taken them by surprise; they have had to contrive at short notice to get the best deal they can.

I accept the attitude adopted by the Methodist Conference in its first statement on this matter. Notwithstanding the amendments made (which I agree improve in some respect its operation), I still believe that it would be better to leave out the clause and to introduce the matter again in the next Parliament. We will find it necessary to amend the legislation almost as soon as it operates because, despite the apparent fairly tight drafting, anomalies will arise. This matter could well have been left because, as I said earlier, Parliament is always here to consider matters such as these. It would be better to consider this matter in a more mature atmosphere and one devoid of controversy. I and other people oppose the clause but, as it is linked with other clauses, difficulty would be caused if it were deleted. I only hope that the provision does not have the adverse effect that people who have a sincere desire to look after the well-being of the community consider that it will have.

The Hon. B. H. TEUSNER: I am not happy about the clause and agree with the member for Flinders that there will be much dissatisfaction with it, at least in country areas and particularly in my own district. As the honourable member has said, senior football clubs in country areas will be able to play matches without having to get a permit. I had doubts about that until the Premier made his statement, because I understood that, as most of the senior football clubs were affiliated to the South Australian National Football League, a permit would be necessary to enable them to play Sunday matches.

The Premier is reported in the *Advertiser* of October 14 as having said that the churches overwhelmingly agreed with the proposed changes. However, since then it has been made clear that the churches were not overwhelmingly in favour of the Bill as introduced. Amendments which have been made today and which improve the Bill have resulted from suggestions made by the churches. Further, the Premier was reported in the *Advertiser* of the same date to have said that South Australian Sunday entertainment laws were expected to follow to some extent the pattern recommended by the Tasmanian inquiry, with the modifications suggested by the churches. However, this Bill does not follow that pattern. Clause 6 lists games and other activities that cannot be conducted on a Sunday unless a permit is obtained. Clause 7 of the Tasmanian Bill, to which I understand the Premier directed the attention of the churches, completely prohibits the provision of, engaging in, or attending by the public at any of the games listed, and the list is similar to that in our clause 6, except that motor racing is not included in the Tasmanian Bill.

Many churches believed that there would be a prohibition on the conduct of certain activities on Sunday, but that prohibition has not been provided. I regret that the Premier has not given effect to the desire of some churches, particularly the Methodist Church, that the Bill list both prohibited sports and activities and sports and activities that could be held if a permit were granted. The religious-minded communities that have made representations to the Government will be particularly dissatisfied with the Bill. I regret that it will be possible to obtain a permit that will enable these activities to commence before 1 p.m. on a Sunday. Some sports listed should not be allowed before 1 p.m., and I hope that the Minister will consider that aspect when dealing with applications for permits.

The Committee divided on the clause:

Ayes (19)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Clark, Corcoran, Coumbe, Curren, Dunstan (teller),

Hudson, Hughes, Hurst, Hutchens, Langley, Loveday, McAnaney, McKee, Quirke and Walsh.

Noes (12)—Messrs. Bockelberg, Ferguson (teller), Freebairn, Hall, Heaslip, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Rodda and Shannon, Mrs. Steele, and Mr. Teusner.

Pairs—Ayes—Messrs. Casey, Jennings, and Ryan. Noes—Messrs. Brookman, Nankivell, and Stott.

Majority of 7 for the Ayes.

Clause as amended passed.

Clause 7—"Billiard saloons."

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

In new section 25a (1) after "played" to insert "(except premises in respect of which a licence or permit is in force under the Licensing Act, 1967)".

It is intended not that the provisions relating to the control of billiard saloons shall apply to premises licensed under the Licensing Act, but that administration of the two sets of premises shall be kept separate.

Amendment carried; clause as amended passed.

Clause 8 and title passed.

Bill read a third time and passed.

PETROLEUM (SUBMERGED LANDS) BILL

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

That Mr. W. A. N. Wells be accommodated with a seat in the Chamber on the right-hand side of the Speaker while the Petroleum (Submerged Lands) Bill is under consideration.

As Mr. Wells was involved in drafting the Bill and prepared the report on it, it would help members to have him here.

Motion carried.

Adjourned debate on second reading.

(Continued from October 18. Page 2783).

Mr. MILLHOUSE (Mitcham): This is a long Bill dealing with an important and complicated topic, and I am pleased that Mr. Wells is to assist the Parliamentary Draftsman during our consideration of it, because his name appears at the top of the Bill as the draftsman responsible for it. In the course of what I have to say, I shall touch on a number of points, but I expect there will be many others that I shall not mention at all. No doubt I shall leave many questions unanswered, but I should think that, during the course of the debate and the speeches of other members, we should cover most of the relevant issues. We are dealing on this topic with something which is uncertain in many respects: we do not definitely know, for example, who has the rights off shore—whether the Commonwealth Government or the six State Governments would, if the matter were to be determined by law, be given the jurisdiction.

The consideration of this Bill involves consideration not only of the Bill itself but of a number of documents: the White Paper of Mr. Wells, which was tabled in this House some weeks ago; the Ministerial statement made by the Premier at the time of the tabling of the White Paper; and an agreement tabled by the Premier during the course of his second reading explanation. The scheme which is contained in all or some of these documents apparently is this: there have been discussions for a long time between officers of the various Governments, and agreement has been reached between the Commonwealth and the States dealing with certain matters, amongst them the intention of the various Governments to introduce a common form of mining code into their respective Parliaments. Following that agreement, we have the Bill itself.

Before we get on to the Bill, however, I wish to say something about the agreement: I notice in an edition of the *Advertiser* of last week that Mr. David Fairbairn (Minister for National Development) describes this as the "basic instrument of the whole legislative structure", and I guess it is. The agreement itself is not a long one: it has 26 clauses, several of which I think I should refer to now. The first clause to which I refer is clause 3: this is the clause by which the Commonwealth Government agrees to submit to the Parliament of the Commonwealth "Bills for Acts that contain, apart from any formal or transitional provisions, provisions to the effect of the draft Bills set out in the First Schedule to this agreement". Unfortunately, those draft Bills have not been printed in the pamphlet, but the significant point of this clause is that the Commonwealth undertakes to introduce Bills with provisions to the effect of the draft Bills and not necessarily exactly the same as the draft Bills. This therefore, does not preclude amendments being made to the Bills in either House of the Commonwealth Parliament, provided those amendments do not affect the essence of the Bills themselves. The same is true, by virtue of clause 4, of the various State Governments. Clause 4 provides:

Each State Government will submit to the Parliament of the State a Bill for an Act, or Bills for Acts, that, apart from any formal or

transitional provisions, contains or contain provisions to the effect of the draft Bill set out in the Second Schedule to this agreement.

Therefore, we are not bound, as one would think from the comments of the Premier in his second reading explanation, to these Bills exactly and precisely, without any chance of amendment at all. Mr. Fairbairn described the agreement as the "basic instrument". If that is so, I think that clause 11 of the agreement is the most important clause—the basic clause in the agreement. This clause, as I understand it, gives the whip hand to the Commonwealth in the granting of licences, and so on. Clause 11 (1) provides:

Except in so far as the Commonwealth Government has informed the State Government that it is not necessary to do so, a State Government will consult the Commonwealth Government—

(*a*) before a permit, licence, pipeline licence, access authority or special prospecting authority under the Common Mining Code in relation to the adjacent area of that State is granted, renewed or varied;

(*b*) before approval is given to any transfer of a permit, licence, pipeline licence or access authority that has been so granted; or

(*c*) before approval is given to any instrument by which a legal or equitable interest in or affecting an existing or future permit, licence, pipeline licence or access authority (being a permit, licence, pipeline licence or access authority under the Common Mining Code in relation to the adjacent area of that State) is or may be created, assigned, affected or dealt with, whether directly or indirectly.

Therefore, by virtue of that provision, the State is bound to consult with the Commonwealth Government before any of those things can take place. Subclause (2), which does not mean much in my view, is simply an undertaking by the Commonwealth, in considering any matter referred to under subclause (1), that it will take into account a number of Commonwealth responsibilities under the Commonwealth Constitution. Subclause (3) I do not think has much significance, either, for our purposes. However, subclauses (4) and (5) are important. Subclause (4) provides:

When giving a decision that is not consistent with the action proposed by the State Government, the Commonwealth Government will specify the Commonwealth responsibility or responsibilities with respect to which the decision is given and, unless it is considered by the Commonwealth Government undesirable in the national interest to do so, inform the State Government of the grounds of the decision.

The effect of that subclause is that the Commonwealth may, if it wishes, give reasons for its decisions but, if it is considered undesirable in the national interest to do so, it need not give reasons for its decisions. Subclause (5), which is the crunch, provides:

A State Government will accept, and will ensure that effect is given to, a decision of the Commonwealth Government with respect to a responsibility of the Commonwealth taken into account as aforesaid.

In other words, the State cannot grant a licence or revoke or transfer a licence without the permission of the Commonwealth: we are therefore tied by clause 11 to the apron strings of the Commonwealth. Clause 14, on which comment has been made to me, provides that any licence which is given, or a condition in any permit or licence, may be to the effect that "all or any of the petroleum produced pursuant to the permit or licence shall be refined in the State, or, in the case of petroleum in a gaseous state, shall be used, before or after proceeding within the State". I rather gather that some of the companies are not happy about that provision.

The Hon. D. A. Dunstan: I think that is so, but it was certainly a condition insisted on by the Government of this State.

Mr. MILLHOUSE: I am glad to hear the Premier's interjection on that matter, and I shall come back to it later. Clause 19 of the agreement deals with royalties and provides, in effect, that four-tenths shall be allocated to the Commonwealth and six-tenths to the State of any royalty not being an override royalty. The rate shall not exceed 10 per cent of the value at the well-head of the petroleum in respect of which the royalty is payable. Provision is made for an additional royalty called an override royalty. Clause 24, in effect, permits State enterprise in this field. No doubt the Premier will be quick to say that, as a good Socialist, he insisted on that. Clause 25 deals with variations of the agreement, and subclause (1) provides:

This agreement shall not be capable of being varied or revoked or of being determined by any Government except by agreement between all of the Governments for the time being parties thereto.

Clause 26 is not strictly necessary. It provides:

The Governments acknowledge that this agreement is not intended to create legal relationships justiciable in a court of law but declare that the agreement shall be construed and given effect to by the parties in all respects according to the true meaning and spirit thereof.

In other words, it is expected to be a gentlemen's agreement. One significant omission (and it has become more significant by developments in Australia in the last 36 hours) is that the agreement does not contemplate in any of its clauses State Bills not being passed. The State Governments undertook to introduce Bills along these lines in their respective Parliaments. That is as far as they can go, although Parliament is supreme (sometimes one wonders in this place about that) and can make any amendment it likes. However, no provision is made in the agreement for any Parliament or Parliaments not passing the Bills introduced.

The Premier has said (and this is becoming ironic) that it would be utterly disastrous for this State if such Bills were not passed: that is the agreement, we are told, that is the basic instrument of this legislative scheme. I make it clear again that, although the States and the Commonwealth have agreed to carve up the rights off shore, no-one knows whether in fact either or which party is giving anything away and whether, if this matter were to be decided in a legal forum, the Commonwealth would be assigned all the rights or whether the States would be assigned all the rights. In this case, we are on, as it were, an uncharted sea. Therefore, even in the agreement itself, we are coming to a compromise that may or may not be in the interests of the State. If we did not compromise we might find that all the rights off shore would be with the States and that we would be better off paddling our own canoe. The Commonwealth Minister referred to the mess they have got into in the United States of America. However, the situation there is different from the situation here. Although they have had much trouble there, apparently there is no reason to think that necessarily we would have the same trouble here.

I believe consideration of this matter falls under three distinct heads: the technical matters, the constitutional matters, and the political matters. Having said something about the agreement, I intend to deal with the topic under those three heads. I will deal with technical matters first because, unfortunately, I can dispose of them most quickly. Part 3 of the Bill, which comprises clauses 16 to 154 and which takes a full 100 pages, is headed "Mining for Petroleum". In his second reading explanation, the Premier referred to it as the Common Mining Code. The "definitions" clause contains a definition of "mining code". This Part sets out the Common Mining Code and the technical matters that are enacted in this legislation. I have used the word "technical" and these clauses are highly technical. In my view it is impossible for a layman, without expert assistance, to understand them and to make a judgment whether they are right or wrong, just or unjust, or desirable or undesirable. Unfortunately, I have had no opportunity to take the advice of experts in this matter.

Let me remind members of the time table we have followed so far with this Bill. The Premier introduced it with a long speech last Wednesday week and I took the adjournment on it. The Bill was not then available. The next day I spoke privately to the honourable gentleman, pointed out that the Bill was not available, and asked when it would be available. He did not offer me a copy of the Bill at that stage but said that he had arranged for it to be printed, that it should have been, and that he would speed it up. Having heard nothing from him, on Friday afternoon I telephoned his secretary, explaining that I had not received a copy of the Bill and that it was still not available at Parliament House. Mr. White kindly arranged to deliver a copy to my chambers on that afternoon. I received one copy of the Bill, which I used to study. However, the printed copies were not available at Parliament House until last Tuesday morning. Immediately they were available, I sent a copy to a man in the city who is connected with these matters, asking for his advice on it. I have not yet heard from him, as he has gone to a conference in another State and taken the Bill with him to consult with his colleagues from other States. Therefore, in fact, there has been no opportunity to take advice or form a judgment on the technical matters in this legislation, and I regret that that is the case.

I do not blame any of the officers of the Public Service for this: obviously the Bill was drafted. However, I believe the Government (and I say this advisedly in view of the exchanges that have taken place before on such matters) should not have introduced a welter of legislation with which it is impossible for the Government Printer and others who must handle administrative details to keep pace. It would be far better for the Government not to have overwhelmed the Parliamentary Draftsman (as I know it has this session) by bringing

in all the legislation it has. What the Government should have done was to tailor its legislative programme to the capacity of the officers who deal with it.

The Hon. B. H. Teusner: Or sit longer.

Mr. MILLHOUSE: Yes, it should have taken things more slowly. It has not been possible to get any advice from outside on the technical matters involved in the Bill, and I do not know whether the provisions relating to those matters should be agreed to. We are told that officers from the various Governments have spent hours of labour and discussion, yet we are asked to pass the Bill in a few days.

The Hon. Sir Thomas Playford: To put the rubber stamp on it.

Mr. MILLHOUSE: Yes. Attorneys-General and officers are not gods whose word is law to us: it is for us to make up our minds, and it is unreasonable that we should be asked to do that so quickly. Only one matter of contention has been raised with me by commercial interests: the obligation that can be imposed in a licence to refine within the boundaries of the State. That is something that the Premier said the Government was insistent on. It is obvious from his interjection and the comment I have had that there is not complete agreement between the commercial interests involved and the Governments on this matter.

There are some other clauses on which comment should be made. Clause 132 deals with prosecution of offences. It seems that we are to invest the courts of this State with jurisdiction to try offences under the legislation, but one strange variation of the normal procedure is that the Supreme Court shall try an offence summarily, which I take to mean that it shall try it without a jury. I think that, as an invariable rule in South Australia, summary offences are dealt with in the Magistrates Court, as it is now called, and offences that are serious enough to be dealt with in the Supreme Court are tried before a judge and jury. However, here we find a variation from that.

The Hon. D. A. Dunstan: The cause of that must be clearly obvious: large sums are dealt with in this. In the other States, this can be done summarily in a superior court, and we had to get uniform legislation.

Mr. MILLHOUSE: It is a pity the Premier did not say that in his explanation, so as to make it clear. The honourable gentleman should not become so petulant. I mention this not as a criticism, but simply as an instance of a variation from the normal procedures in this State. Clause 14, the "applications" clause, contains at least one literal error, and it seems to contain subclauses that are mutually contradictory. In the second line of subclause (1) the term "a State", with the indefinite article, is used, although I am fairly certain that the definite article is meant.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr. MILLHOUSE: Before dinner, I had, I think, made the following points: first, that we are dealing with a matter in which the law is unknown, and we do not really know whether we are giving away anything by entering into these arrangements with the Commonwealth, or whether we are gaining an advantage (we are, in fact, taking a gamble); secondly, that under the agreement, which is the basic instrument of the scheme, the Commonwealth undoubtedly has the whip hand and can tell the State just what is to be done, because the State must consult with the Commonwealth before any licence or permit is issued.

Mr. Coumbe: Does this also apply to an exploration licence?

Mr. MILLHOUSE: Yes, under clause 14, which is the most important clause. Thirdly, from a technical point of view, I do not know whether the Bill is good, bad or indifferent, or whether it is agreeable or not to the commercial interests which will be affected by it because there just has not been time to find out. I intend to refer again to clause 14 of the Bill because it seems to me to be a rather unusual clause. Subclause (1) provides:

> Subject to this Act, the provisions of the laws in force in a State, whether written or unwritten, and as in force from time to time, and the provisions of any instrument made under any of those laws, apply in the adjacent area.

I think a slight drafting error exists here: it should be not "in a State" but "in the State". I point that out respectfully to the relevant authority. However, subclause (2) seems in some way to cut down the ambit of subclause (1), because it provides:

> The provisions referred to in the last preceding subsection apply to and in relation to all acts, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for petroleum, and the exploitation of the natural resources, being petroleum, of that sea-bed, or subsoil, and not otherwise, and so apply as if that area were part of the State.

That last phrase has in my view a fairly wide significance, but I shall come back to that later. Subclause (3) then sets out matters to which the clause does not extend. I am not certain of the effect of clause 14, and I hope

that before the debate is concluded the Minister in charge of the Bill, who does not seem to have come into the Chamber yet, will take the trouble to explain it. He is just coming in; talk of the devil! That is funny; he is now going out again! Clause 15 contains, again, what may be a drafting error; it is certainly unusual drafting. Subclause (1) of that clause provides:

Subject to this section, the several courts of the State are invested with jurisdiction in all matters arising under the applied provisions, this Act or the regulations.

I wonder what is the real meaning of the phrase "the several courts of the State"; presumably it means the Supreme Court and the courts of inferior jurisdiction, that is, the magistrates courts, and perhaps even local courts, but I do not know. Subclause (3) contains a phrase, which I think does not fit into the general legislative arrangements of this State, for it provides:

The jurisdiction invested in a court of summary jurisdiction or in any one or more justices of the peace by this section . . .

I do not think we invest jurisdiction in a justice of the peace; that may be more appropriate in other States, but it does not seem to fit in with our arrangements in South Australia.

Mr. Coumbe: It goes further than that.

Mr. MILLHOUSE: Yes, but I am referring here to the jurisdiction invested in one or more justices of the peace. If we are to do something, we may as well do it properly. I have almost finished with what I term the technical matters under the Bill. I regret not having had more time to consult with various interests and to study this matter, because I suspect it may not be as well agreed between everyone as the Premier would have us believe in his second reading explanation. My regret is heightened by the obvious dissension which has now arisen in the ranks of the Australian Labor Party over this particular matter. I guess every honourable member has read a report in this morning's press indicating that the Federal Labor Party intends to oppose this legislation in the Federal Parliament. We have the spectacle, therefore, of the Premier of this State saying that it is vital to pass the Bill in this present session, saying that not to pass it will have disastrous effects on the State, yet his Federal colleagues are saying exactly the opposite.

Mr. Coumbe: What did the Tasmanian Labor Premier say?

Mr. MILLHOUSE: I do not know, but we can take it from what has been said by the Premier of this State that the Tasmanians are introducing the Bill, and the Tasmanian Premier is certainly a signatory to the agreement. The situation that has arisen in the last 36 hours is rather strange. We on this side are often twitted by members of the Labor Party because we express differing views, yet now we see that the Party in Government is hoist with its own petard.

The Hon. R. R. Loveday: We don't ostracize our colleagues if they deviate.

Mr. MILLHOUSE: The Labor Party throws them out. The Hon. Cyril Chambers, who lives in my district, was a prominent Labor man and a Minister in the Commonwealth Labor Government but was expelled from the Labor Party because he deviated.

The Hon. Sir Thomas Playford: Is this Government deviating?

Mr. MILLHOUSE: That is the $64 question. Who is deviating: the State Government or the Federal Labor Party? That is what, according to the *Advertiser*, which is usually a reliable journal—

Mr. Langley: The joke of the year!

Mr. MILLHOUSE: I shall amend that: it is always a reliable journal. I quote the report below a Canberra dateline as follows:

Labor would oppose the passage through the Federal Parliament of legislation governing the exploration and exploitation of Australia's offshore petroleum resources, the Leader of the Federal Opposition (Mr. Whitlam) announced after a meeting of the Federal Parliamentary Labor Party today.

We know how closely together the Premier of this State and the Commonwealth Leader of the Opposition normally work. The report continues, referring to the Commonwealth Leader of the Opposition:

He said Labor objected to foreign-owned companies being given access to Commonwealth territory for oil exploration in return for the payment of royalties to the States.

Later, the report states:

Mr. Whitlam said the continental shelf beyond the three-mile limit was Commonwealth territory.

We know that Mr. Whitlam has a fairly high opinion of his own opinion but how on earth he can say that I do not know. The report continues:

It was equivalent in size to about one-third of the entire mainland. Federal Labor objected to this area being handed to foreign-owned companies to exploit.

So it appears that the Federal Labor Party opposes this legislation on two grounds: first, it objects to the exploitation of these resources by what it terms "foreign-owned companies"; and, secondly, it objects to the payment of royalties to the State. This conflict within the Party opposite heightens my regret that there has been so little time and opportunity to check what may be the controversial matters in the Bill. Anyway, we have to accept this. If the Bill passes through this House it will be interesting to see what pressure the Premier will be able to bring upon his colleagues in his own Party who are Senators from this State and whether the Senators from South Australia on the Opposition benches in Canberra will support their own State's position or their Federal caucus decision.

Mr. Coumbe: They are supposed to represent the State.

Mr. MILLHOUSE: Yes. We on this side of the House have sometimes been twitted about this in the past. It will be interesting to see what happens now, whether the Labor Senators in Canberra will pay more regard to the Premier of this State than to their own Parliamentary Party. I know what the result will be. What will the result be if the Senate blocks this legislation? What will the State Government do? We have been told by the Premier that it is vital to this State to get the Bill through and that it will be disastrous if it does not pass. As I said this afternoon, the agreement does not contemplate this legislation not being passed. I should like to hear from the Premier on that a little later, as it is now a real possibility. I have now finished with my discussion of the technical matters in the Bill.

I now come to a consideration of the constitutional position. Here, of course, the most important point for us to discuss is the vexed question of the offshore boundary with Victoria. That is far and away the most contentious matter in the Bill, so far as we, as members of Parliament, are concerned. I refer at this stage to the White Paper tabled in this House on August 16 last by the Premier and ordered to be printed. I expected when the White Paper was tabled that it would be in the nature of an opinion of Mr. Wells of the legal position, but in fact it is not an opinion in the normally accepted sense of the term in the legal profession. It is much more a political document setting out the difficulties of the matter, the hard work that has been put into the general negotiations, than a legal opinion of the situation. It is quite obvious, though, from what Mr. Wells has set out in the White Paper that the Commonwealth and the States have done their best to devise a scheme that will stand up constitutionally, but I am far from certain that they have succeeded in doing so. I am surprised that one quite obvious constitutional point is not canvassed at all in the White Paper. In subparagraph (3) on page 7 Mr. Wells says:

> There is not, and never has been, in existence any rule of law—international, constitutional or domestic—through the operation of which a boundary line can be authoritatively laid down.

I have the very greatest of respect for Mr. Wells, a senior member of the legal profession, and I question with great diffidence anything he sets out, but I should have expected that in this White Paper he might canvass the effect of section 123 of the Australian Constitution, that he would have dealt with the Colonial Boundaries Act and its effect upon the former colonies (the present States of the Commonwealth of Australia), but he did not see fit to do so. To me, the effect of the things I have mentioned (I will go into them in some detail in a moment) does cast at least some doubt upon the validity of the actions taken by the various Governments and the scheme they have devised.

The Colonial Boundaries Act (I think it was enacted in about the middle of the last century but it was certainly re-enacted in 1895) is an Act of the Imperial Parliament, and I am using for the purposes of this argument Quick and Garran's *Annotated Constitution of the Australian Commonwealth*. At page 378 this is what the learned authors say about the Colonial Boundaries Act.

Mr. Hudson: When was that book written?

Mr. MILLHOUSE: It was published in 1901.

Mr. Hudson: Prior to the Statute of Westminster?

Mr. MILLHOUSE: Prior to the Statute of Westminster, whatever relevance that might have.

Mr. Hudson: That is an Imperial Act?

Mr. MILLHOUSE: Dear me! If the honourable member will allow me at least to explain my argument, the Statute of Westminster has absolutely nothing to do with what I propose to show.

Mr. Hudson: It has something to do with the Colonial Boundaries Act.

Mr. MILLHOUSE: Let me first of all say what that Act did. At page 378 the authors say:

This is an Act to provide in certain cases for the alteration of the boundaries of self-governing colonies. It provides as follows:

(i) Where the boundaries of a colony have, either before or after the passing of this Act, been altered by Her Majesty the Queen by Order-in-Council or letters patent, the boundaries as so altered shall be, and be deemed to have been from the date of the alteration, the boundaries of the colony.

(ii) Provided that the consent of a self-governing colony shall be required for the alteration of the boundaries thereof;

Paragraph (3) sets out the colonies to which the Colonial Boundaries Act originally applied. Pursuant to that Act, there was a method of altering, without recourse to an Imperial Statute, the boundaries of the various colonies. It could be done by Order-in-Council, and it was done (the member for Glenelg will correct me if I am wrong here) in the case of South Australia and Western Australia when the South Australian border was moved over in the 1860's to meet the Western Australian border. It was a convenient way of altering the boundary.

We go from that Act to a consideration of covering section 8 in the Commonwealth of Australia Constitution Act, again an Imperial Statute. Pursuant to covering section 8, the Colonial Boundaries Act no longer applied to the States (the former colonies) but was made to apply to the new Commonwealth itself. This is what it says covering section 8 of the Constitution Act:

After the passing of this Act the Colonial Boundaries Act of 1895 shall not apply to any colony which becomes a State of the Commonwealth but the Commonwealth shall be taken to be a self-governing colony for the purposes of that Act.

So that, before Federation, the Colonial Boundaries Act provided a method of altering the boundaries between the States, but at Federation its use as far as the States were concerned was discontinued. However, it was replaced by section 123 of the Constitution, which is as follows:

The Parliament of the Commonwealth may, with the consent of the Parliament of a State and the approval of the majority of the electors of the State voting upon the question—

that is a referendum of the people of the State—

increase, diminish or otherwise alter the limits of the State upon such terms and conditions as may be agreed on and may with the like consent make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected.

In the commentary on that section, the learned authors state:

A limit is, strictly speaking, a boundary line and a line cannot be increased or diminished except in length but the word is also used in a secondary sense to denote the space or thing defined by limits (Webster). In this sense increasing or diminishing the limits of a State means altering the boundaries of a State so as to increase or diminish its territory . . . The limits of a State could be altered without increasing or diminishing them as, for instance, by a mutual ratification of boundaries or by an equal exchange of strips of countries by two adjoining States . . . Even as confined to the adjustment of boundaries between States, the section embodies an extraordinary limitation on the powers of the State Parliaments.

For our purpose, I do not think we need go to the Statute of Westminster in a case of this kind. In our case, section 123 of the Commonwealth Constitution lays down a method of altering boundaries or setting up boundaries between States and altering the limits of the States. I do not say that this is a conclusive argument against the Commonwealth and the States doing what they have done under this Bill, but I do say that, because we have not observed the conditions set out in section 123 of the Constitution, it is arguable that the present scheme is constitutionally invalid. If the boundary, as agreed apparently between South Australia and Victoria, has not been agreed in the way required by the Constitution of the Commonwealth, then it is open to constitutional challenge. The effect of a constitutional challenge would be that any licence that had been issued under this legislation, if it were unconstitutional, would be invalid itself and this would jeopardize the activities of those who held the licence. They might find it was worth nothing to them. We must not be deluded into believing that the scheme is constitutionally watertight. I do not know whether or not it is, but I have stated one argument that could be used against the constitutional validity of the scheme of the legislation we are considering. That was not even referred to in the White Paper and it has been studiously avoided in all the public utterances of those who have been concerned in framing the legislation. I raise it only as a point in *arguendo* but it is one to which I think the members of this House should have regard.

If that is the constitutional aspect of the matter (and I invite the Premier to speak on it later if he so desires—I express regret now that he has not seen fit to do so already), let us pass now to the third head under which I want to discuss the matter, and that is the political head. In this case there are two

matters. I have already referred to one, and that is the acutely embarrassing situation in which the Government finds itself as a result of the decision of its Commonwealth colleagues. I do not intend to say any more about that and turn the knife in the wound: it is embarrassing enough as it stands, without our saying any more about it. From our point of view, the politics of this matter have been canvassed before, that is, with regard to the wisdom of the Government's action in agreeing apparently to the delimitation of the offshore boundary with Victoria. This is the most contentious aspect of the whole matter. The plain fact is that the Government has apparently conceded (and I say "apparently" advisedly) to Victoria rights which need not, and should not, have been conceded at all. The background to this is set out in the White Paper although, as I have said, no solution is to be found there. No boundary out to sea existed before the negotiations in which Mr. Wells and his colleague from Victoria (Mr. Murray) were involved.

We have been told that an agreement has been reached between South Australia and Victoria on this matter. In fact, if members look at page 15 of the brochure that the Premier has tabled, they will see a map setting out the boundaries as agreed between all the Australian States. I prefer to look at the map on page 15, rather than those on the other pages, because it gives the whole picture. One can see from that map the boundaries of all States. One notices that only in the case of South Australia does the line bend inwards to take away territories over which we might otherwise have rights. If one looks at the boundaries set out for Victoria, one sees that they form a curious shape indeed. One can say that it looks rather like a coolie's hat: it pokes out in two directions. First, it comes west so that there is a wedge of adjacent area offshore jutting out south of the coastline of South Australia and coming as far west as Kangaroo Island. On the other side, it juts out to the east in a wedge between Tasmanian territory and New South Wales territory. There, it is virtually, if not exactly, a continuation of the line of the land border between the two States. It seems to me that Tasmania has done as well as any other State out of these boundaries, because its boundary to the north touches Wilson's Promontory, leaving Victoria little actual coastline to the south at all but splurging out to the east and west. That is the agreement that has been reached, we are told, by the South Australian Government with the Victorian Government.

When the Premier tabled the White Paper and made a Ministerial statement, he congratulated the officers on reaching this agreement. There is one important point, though, quite apart from the fact that the South Australian Government has conceded something that it did not need to concede. As has been said before in this House, Victoria, as a matter of political expediency, needed an agreement far more than this State needed one. All we had to do—and I stick to this despite all that has been said—was to wait for the Victorians to agree to our boundary. We could afford to wait much more than Victoria could, yet the present Government did not choose to follow that course. Instead it came to an arrangement with Victoria which meant that the boundary was bent from the course which one would have expected it to take. The Premier, having stressed the importance of getting an agreement in case the whole legislative scheme fell to the ground (one hopes he will stress the same things to his Commonwealth senatorial colleagues in the interests of this State, certainly as he sees them), in his Ministerial statement said:

> I congratulate them both—

that is, Messrs. Wells and Murray—

> on arriving at submissions to the Governments of their respective States that have got a good deal for each of the States.

If one reads the statement carefully one finds that nowhere does the Premier mention "an agreement" or "the agreement". He simply says "submissions to the Governments of their respective States". What I want to know is this: where is this agreement? We have not been told what it is.

The boundaries explained to us are included in the Second Schedule to the Bill; we have a map on the board, but where is the agreement between South Australia and Victoria? Is it in letters? Is it in the heads of Sir Henry Bolte and the Hon. Donald Dunstan? Is it a formal instrument of agreement? What is its form? We have never been told. We do not know whether one exists. This is a serious matter to the people of this State, but even more serious is the fact that the Government (and its Victorian counterpart, presumably) has gone ahead and fixed the boundary by Executive act. This is something which the Parliaments of the two States, not the Governments of the two States, should do.

The fixing of the boundary will affect rights under this Bill; it was something in which

Parliament should have had a say, and the only way in which Parliament could have had a say was by being invited to ratify some instrument of agreement between this State and Victoria. Yet nothing like this has been presented to us at all. There has been no invitation to this Parliament to do otherwise than accept a *fait accompli.* There is no agreement here; no Bill to ratify an agreement that we could debate.

Incidentally, the Premier said there would be an opportunity to debate the White Paper and and the Ministerial statement. We have not yet had an opportunity, but the Premier said he would work out the details with the Leader of the Opposition. Where is the agreement, and why has it not been before this House to decide upon? This should be done by the Legislature, not by the Executive, yet there has not been one suggestion that the agreement should come before this House or that we should be invited to consider it and either accept or reject it on behalf of the people of this State. This is a vital matter.

The Premier has said we must pass this legislation and that this State had to agree with Victoria or the whole scheme would have fallen to the ground. However, this view does not seem to be shared by his Commonwealth colleagues. If we are to consider this Bill properly, we should have an opportunity of considering this agreement, and I propose to move an amendment so that we can consider whether the boundary should go straight or whether it should go crooked, as the Government wants it to go. I have almost completed my remarks on this Bill.

Mr. Lawn: You have not said anything yet.

Mr. MILLHOUSE: I am glad the member has been listening intently.

Mr. Lawn: I have, but it was not worth listening to. I always obey the rules of courtesy.

Mr. MILLHOUSE: I have not noticed that. I have deliberately broken up the subject matter into three heads: first, technical matters on which I have had no opportunity to find out anything; secondly, the constitutional point, which I merely raise—I do not say it is a fatal flaw in the scheme, but certainly it is open to argument and makes the scheme challengeable; thirdly, the political point—that I believe the Government of this State has been weak in its negotiations with Victoria, when it had all the cards in its hand and could have been stronger. Further, I believe there should be some formal agreement and that this House should have an opportunity to consider it.

Mr. COUMBE (Torrens): I agree entirely with the member for Mitcham in that this Bill is long, important and complicated. It is certainly long: it has 155 clauses and a couple of schedules. It is certainly complicated, so much so in its technical parts that I have my reservations on how thoroughly members of this House have read the Bill, let alone studied its full implications (indeed, as I look around the Chamber, I have further reservations). There is so much technical detail in the Bill that one can only pass general comment at this stage, but more detailed references can be made during the Committee stage. There is no doubt about the Bill's importance: it fixes for all time the boundary, and it regulates offshore drilling and offshore exploitation of minerals and other resources.

This Bill will rank with a number of other extremely important constitutional Bills passed by this Parliament in years gone by, Bills defining certain constitutional rights of this State; this Bill will rank with some of the Letters Patent on our Statute Books. I refer honourable members to the 1937 volume, which contains these. In order to assist us in considering this Bill, we have a copy of it on our files, the Premier's second reading explanation, the small pamphlet delineating the boundaries, a map, and the White Paper prepared by Mr. Wells, which was presented in August. From the legal viewpoint there is not a great deal we can do about the Bill. We must pass it, or we are in serious difficulties.

Mr. Lawn: You want to tell Mitcham that.

Mr. COUMBE: Of course, we can alter the Bill, but the consequences of so doing would be extremely serious. We are being asked to ratify an agreement; in other words, we are presented with a *fait accompli.* If we amend certain fairly vital clauses, what will our position be in relation to the other States? At present, all other State Parliaments are considering a similar measure and it is hoped that before long all States and the Commonwealth will have ratified this agreement, which has been arrived at after discussion by all State Premiers and the Prime Minister. What would be the position if this House exercised its undoubted sovereign and constitutional rights and attempted to improve or alter the Bill? The whole scheme would be in rather grave jeopardy. What would be the position if, in the Committee stage, we found that a vital provision needed to be improved? Would it be necessary for all the other States and the Commonwealth to amend their legislation?

Mr. Millhouse: No.

Mr. COUMBE: I accept the advice of my lawyer friend.

Mr. McKee: You are running a risk! It is commonly known that, if you want to go to gaol, you get him to defend you.

Mr. COUMBE: Nobody would be able to advise the member for Port Pirie. We are presented with an open and shut case and asked to ratify this agreement. I have skipped over certain formal and technical provisions dealing with the Common Mining Code, because they seem to be straightforward. I have also read the pamphlet dealing with the Geneva Convention and what has been arrived at in Australia. I have also read with interest the White Paper prepared by Mr. Wells. The presentation by Mr. Wells of the legal matters is fairly straightforward, but I think we must consider in a different light the last section, in which comment is made.

I think we are entitled to check the observations he made, because I consider them to be a little altruistic and certainly paternal in their hopes. It is suggested that we should not question too closely the line that has been arrived at as the boundary between Victoria and South Australia, that we should consider this not from the point of view of a State or of what has been given away but from a national point of view. It is fair enough to do that, but one of the bounden duties of a legislator in this place is to look at the responsibilities and rights of his State. We are Australians, but we are members of the South Australian Parliament and it is our duty to have regard to the rights of South Australia and to question the term "given away".

We should consider whether the line presented for consideration after negotiation between South Australia and Victoria has been correctly arrived at and drawn. How do we go about this? The map on the notice board sets out in large scale the recommended new boundary between South Australia and Victoria. The first thing that strikes one about the map, which is an enlargement in more detail of the map in the pamphlet before us, is the way the boundary bends and curls, instead of going straight along the meridian line as a simple soul such as I would expect it to do. In other words, it does not project into the sea as a straight continuation of the 141st meridian, which is the boundary of South Australia with Queensland, with New South Wales and with Victoria. The line bends at certain definite points marked on the map. In bending, it goes westerly into South Australia's waters, as we assume them to be. Of course, if it went the other way we could not complain, but Sir Henry Bolte might complain.

Mr. Millhouse: We couldn't care about him.

Mr. COUMBE: It is significant that Sir Henry Bolte has been silent since this line has been determined. Some months ago, in the regime of Premier Walsh, Sir Henry called on us and asked us to come to some decision. However, he has been significantly silent since this line has been determined, and apparently he is well satisfied. I should like to know how the line was arrived at. I asked the Premier a question about this soon after the map was exhibited and the White Paper tabled in August. The following is the *Hansard* report:

Mr. COUMBE: Members would be assisted if a simple report were obtained explaining how this new boundary line was drawn by surveyors. I presume that the new boundary is supposed to be an equal distance from several points on the neighbouring coastlines of the States.

The Hon. D. A. Dunstan: Only beyond the 100-fathom line.

Mr. COUMBE: Yes. But in places the median line is inside the longitudinal line forming the boundary between the two States; then it is inside on the South Australian side, then it deviates. To help members understand it, will the Premier obtain a simple report and make it available?

The Hon. D. A. DUNSTAN: The line that was drawn up on the point where the proposed boundary joins the median line at about the 100-fathom line resulted from negotiations directed to ensuring to the contending States certain portions of interesting oil exploration areas. Victoria's original proposals (even where they gave a little) gave us nothing like what has eventuated.

Mr. Coumbe: This line was deliberately drawn?

The Hon. D. A. DUNSTAN: Yes, it follows the meridian line to beyond the point where the meridian line would cross completely the interesting structure mainly centred on the South Australian side of the meridian line in which we are interested.

This sounds like a lot of technical jargon. I wanted an explanation of how the line had been determined, as this aspect is important. I gathered from what the Premier said in that reply that a bit of a deal had gone on, that Sir Henry wanted a line to go somewhere, that we wanted it to go somewhere else, and that finally the line we have been presented with was determined. I still do not know how the line was determined and whether it was correctly drawn. The only description of the line is that contained in the schedule, and I invite members to read that, as it

is most complicated and interesting. It is pictorially shown on the pamphlet and, as I have said, it bends westerly. The White Paper shows significantly that South Australia has finished up with a wedge-shaped area in waters adjacent to this State.

I invite members to look at the map showing the Commonwealth of Australia. It is interesting to note the other boundaries. For instance, the boundary between South Australia and Western Australia is parallel to the meridian line; in other words, it goes out perpendicularly to the coastline. The other State involved is Victoria; the boundary is the continuation of the line that runs from the Murray River to the coastline, and it is projected perpendicularly to the coastline straight out to sea. Of the three States (South Australia, Victoria and Western Australia), only South Australia has its eastern boundary bent inward toward what are now to be called our adjacent waters.

When the Premier was asked by me and other honourable members to describe why this was so, he said only that this was a negotiated line. All right, but what is the basis? He has implied that we have obtained some advantage by putting the line in this position. It is difficult for me to understand how we get an advantage when the line bends so sharply, especially at the bottom, inward toward South Australia. Therefore, I think members are entitled to ask why the line was drawn in this position. When asked why the line did not go straight down (that is, as a continuation of the meridian line), the Premier said that he and Sir Henry Bolte had met more or less head on and no agreement was possible if South Australia insisted on this.

What would have been the position if we had held out? It has been suggested that the whole scheme would fail, and I must admit that the whole scheme could fail if other States did not agree on the whole point. I understand that all the other States have reached agreement with adjoining States on this matter. Surely Sir Henry would have grabbed at an opportunity to have at least this area of adjacent waters granted to him. Mr. Wells said that this whole point should not be looked at on purely parochial grounds. I do not think this is fair comment, and I do not think we are looking at this on parochial grounds. We are entitled to have an explanation of how the line has been drawn.

If one studies the map and follows the boundaries of the Commonwealth, one finds that the New South Wales and Queensland border juts straight out to sea, and at the Gulf of Carpentaria the border wobbles around between Arnhem Land and Cape York. The Western Australian boundary goes straight out and wobbles around. But there is a difficult circumstance here because of the projecting coastline. It is only in the case of South Australia and Victoria that we get this peculiar set-up. Tasmania is a special case and, incidentally, it seems to have had a fair area granted to it.

Victoria is the State that has had less adjacent waters granted to it than has any other State. Sir Henry Bolte had this position: he already had a producing rig working in his waters long before this agreement was signed. This line we are considering does not affect the site where the Ocean Digger is working at the moment, but the Ocean Digger might one day want to go to another State or another exploration company might wish to do this. I believe that the comment made by Mr. Wells is a little altruistic, paternal and hopeful. His legal opinion is first rate, and I congratulate him on it, but it is when we come to the comments that I disagree with him.

The preliminary clause deals with many vital definitions. The whole of Part II deals with the application of law. Part III, which deals with mining for petroleum, is the core of the Bill, because in that Part there are no less than eight Divisions, and the clauses are numbered from 16 to 154, inclusive. These clauses deal with the leasing of allotments or areas within the adjacent waters we are considering, the permits, the production procedures, pipeline licences, registrations, fees, royalties, etc.

It is interesting to see how we are to get six-tenths of the royalties and the Commonwealth the other four-tenths. I wonder how much this fraction was influenced by the rather hurried deal that Sir Henry did with the producers off the coastline at Sale. This was fiddled up between the Commonwealth and Victorian Governments in a hurry. I have some suspicion about whether those negotiations have had a great influence on the determination of the proportion of royalties that South Australia will get from any product that is found off-shore from the South Australian coast.

Part IV which is all-embracing, deals with regulations. It is interesting to see that we have based this legislation, first, on the Geneva Convention and, secondly, on an agreement reached between the Commonwealth

and all States. The second agreement contained in the booklet deals with the arrangements between the Commonwealth and the States concerning trade. This is a most interesting agreement and, while I agree it is necessary, it is rather extraordinary because the States and the Commonwealth covenant that they will not do anything to restrict trade. We know, of course, of the protection to trade provided by the Commonwealth Constitution but, as doubt has apparently arisen as to the application of the Constitution, an agreement has been made that the States and the Commonwealth will not do anything to restrict trade.

Mr. Clark: It will save challenges.

Mr. COUMBE: I agree, but I have not seen this type of thing put in before. There are one or two other important aspects, but I will not deal with them in detail, as they have been dealt with by the member for Mitcham. The Bill breaks new ground. I agree with the provisions that are being made, because we have never had to consider these aspects before. The founding fathers of the Commonwealth of Australia when writing the Constitution had no idea that many of these provisions would be necessary, just as they had no idea that we would have to legislate for aeroplanes, as we did a few years ago. Nobody in the early 1900's imagined there would be drilling miles off shore from Robe looking for gas or oil. No-one imagined at that time that this sort of situation would arise, and certain matters were not provided for in the Commonwealth Constitution. It is interesting to see in this Bill how the normal legal processes of maintaining law and order on the mainland today are to be continued in regard to adjacent waters, an area that is outside the normal maritime law applying to ships. If a punishable offence is committed in this area, outside the peculiar references in this Bill concerning petroleum exploration, the law will prevail. One would not have thought of that as being necessary although, having seen such a provision in the Bill, one realizes the necessity for it. A number of such clauses contained in the Bill have my complete support.

We are asked to ratify an agreement. If we do not do that, I do not know what the position will be, nor do I know what the position will be if the Senate of the Commonwealth fails to pass similar legislation. What will be the position if we make regulations under this legislation that are not uniform with the regulations or legislation of other States? The only point about which I am really concerned is the boundary shown on the map in this Chamber. I have yet to be convinced that we could not have obtained a better deal.

I believe the Premier could have been a little more frank and open about this matter. When asked previously about this, he has merely said, "We have done the best we can." I think we could have done better, and we certainly should have done better. Why should the line on the map bend so markedly into South Australia that the waters we would normally expect to be ours become part of Victorian waters? No other State has ceded rights and potential rights to a neighbouring State. As members of Parliament, we have a duty to query these matters, and it is the duty of the Premier, when replying to this debate, to explain the matter in greater detail than he has hitherto explained it.

Mr. HUDSON (Glenelg): The member for Mitcham saw some sort of argument in section 123 of the Commonwealth Constitution but, so far as I can see from reading that section, it is implicit that it deals with the existing boundaries and territories of a State and the procedure that should be followed in relation to an adjustment of those boundaries. All the legislation does in relation to this matter is to fix an area off shore in which certain rights are to be exercised: it does not, as members opposite have tried to claim, set an extension of the boundary of a State or increase the territorial area of a State. For some political reasons, which I think are obvious to most members, certain members opposite have tried to suggest that South Australia has given territory away. There is nothing in any law that I know of to say that South Australia had any territory to give away beyond the three-mile limit. In fact, it is highly probable that South Australia's land does not extend beyond the low-water mark.

Mr. Millhouse: If you had been listening to me you would have heard me use the word "rights".

Mr. HUDSON: But the honourable member quoted section 123, which deals with boundaries, territory and land. If he is going to say he was talking about rights all the time, he was completely inconsistent in quoting section 123.

Mr. Lawn: He wasn't talking about rights.

Mr. HUDSON: Quite. He specifically referred to territory, land and adjustment of land as between States. The law of the United Kingdom concerning this matter is relevant here. In the relatively famous 1876 case of

R. v. Keyn, it was held that the territory of England ended at the low-water mark. I shall quote from a reference, which I am surprised the member for Mitcham did not bother to consult. I refer to *International Law in Australia,* edited by D. P. O'Connell, Professor of International Law at the University of Adelaide and a distinguished authority throughout the world on this subject. Professor O'Connell, at page 250, says:

R. v. Keyn thus clearly decided that the territory of England ends at the low-water mark and that the jurisdiction of the Admiral which begins at that point did not, historically, embrace foreign nationals.

After the case, the British Parliament enacted, in 1878, the Territorial Waters Jurisdiction Act, to which I am surprised the honourable member did not refer. Professor O'Connell has the following to say about that Act:

This merely covered the gap in the Admiral's jurisdiction; it did not enlarge and purport to declare the law as to the juridical character of British territorial waters.

Mr. Justice Philp has said (and this is quoted by Professor O'Connell) that "the 1878 Act extends the jurisdiction of the Crown over waters but does not make them part of the territory of the United Kingdom or of a Dominion". Professor O'Connell is of the opinion that, if the extent of the land of a State or of a Colony at the time of Federation was to the low-water mark, then it would be the view that any powers which existed over waters beyond the low-water mark were held by the Commonwealth Government and not by a State.

Mr. Millhouse: Have you discussed this with Professor O'Connell?

Mr. HUDSON: No, I have not.

Mr. Millhouse: It's a pity you haven't.

Mr. HUDSON: I am surprised, in view of Professor O'Connell's contributions to this subject, that the honourable member made no attempt to quote them, but I guess they would not have suited his argument. Professor O'Connell also quotes the view of Quick and Garran in their classic commentary on the Commonwealth Constitution.

Mr. Millhouse: Published before the Statute of Westminster, no doubt.

Mr. HUDSON: That is correct. The honourable member is getting testy; I wonder whether I have caught him out. Quick and Garran state:

By the law of nations the territorial limits of a country are allowed to extend into every part of the open sea one marine league from the coast, measured from the low-water mark—

that is, three miles. Quick and Garran assume that a State's territory extends to the three-mile limit and not beyond it, and Professor O'Connell questions that assumption. His general conclusion, however, is that there is no clear law on this point, except that there is nothing in the law at all to suggest that a State has any rights beyond the three-mile limit. However, it is open to doubt whether we have any jurisdiction beyond the low-water mark, even in respect of fisheries. If the interpretation of the words in the Constitution (namely, that the territorial limits of the State extend to the low-water mark only) is correct, it is possible that the power over fisheries is in the hands of the Commonwealth Government and not of the States; and if the Commonwealth Government cared to question that, in Professor O'Connell's view it might well be that the courts would hold that the States did not have jurisdiction even in regard to fisheries, which is a matter specifically mentioned in the Constitution.

The off shore line demarking the rights for mineral exploration off the shoreline, the boundary between South Australia and Victoria —who should exercise those rights and who has the power to grant a licence—follows the meridian line for about six miles from the shore. How can the member for Mitcham or the member for Torrens talk about "giving away territory"? That is not involved, and one should also remember (and this was pointed out by the Premier) that the map on page 15 shown here is misleading if we are to talk at all about even the exploration rights of any State.

Mr. Millhouse: It is your own Leader's plan.

Mr. HUDSON: Really! This map shows lines extending 1,000 miles or more to sea. The continental shelf (I am sure the member for Mitcham is aware of this) near the South Australian and Victorian border extends not much more than 20 miles out to sea. When we dispute an area off shore (as to whether South Australia or Victoria should have the rights of exploitation or the rights to grant licences by agreement with the Commonwealth under the uniform legislation), an area that is only relevant to the continental shelf, on a rough calculation by looking at the map I could not work it out as covering more than 20 to 24 square miles.

Mr. Hall: It's double that.

Mr. HUDSON: I do not think you are right.

Mr. Hall: Measure it again.

Mr. HUDSON: I would take it as half of a rectangular area measuring 16 miles by four miles, which gives me 32 square miles, not 24, so my first figure was incorrect.

Mr. Millhouse: All that map shows is what a good negotiator Sir Henry Bolte is.

Mr. HUDSON: The member for Mitcham says that for purely Party-political reasons, and for no other reason. He seems to suggest that we have no reason at all for ever reaching an agreement. I am sure that, if he was in a position of authority in this State and we happened to discover oil 11 miles off Robe, the honourable member would look one of the biggest fools of all time, because it may well be that, if this legislative scheme collapses, the Commonwealth will insist on its rights in this area—

The Hon. D. A. Dunstan: —and take the lot.

Mr. Millhouse: How do you know it has the right?

Mr. HUDSON: The honourable member can quote no legal authority whatsoever to suggest that the State has rights beyond the three-mile limit, and even between the low-water mark and the three-mile limit any legal authority such as Quick and Garran is of doubtful validity. The member for Mitcham knows—

Mr. Millhouse: It is a matter that has not been determined.

Mr. HUDSON: There is no legal work to my knowledge suggesting that a State has authority beyond the three-mile limit. If we are talking of an area within the three-mile limit, I have already pointed out that the agreement between South Australia and Victoria follows the meridian, not the median, line, for six miles out to sea. So the area that the State of South Australia might have been able to claim was legally its own territory is completely enclosed by the meridian line, and no part of that area has been involved in the negotiations with Victoria.

Mr. Shannon interjecting:

Mr. HUDSON: The member for Onkaparinga is ignoring the fact that one of the two areas concerned goes entirely to South Australia as far as the letting of exploration licences is concerned, and the other goes partly to Victoria and partly to South Australia. The member for Onkaparinga and (I presume) the member for Mitcham, the member for Torrens and other members opposite have ignored altogether the arguments presented clearly and concisely by Mr. Wells in his White Paper, which points out clearly that no State has any territory to give away in this area. It is a question of reaching agreement between all the States and the Commonwealth as to which body shall exercise exploration rights. Mr. Wells makes it clear that a possible consequence of a collapse of the present legislative scheme would be that the Commonwealth might well decide to exercise all rights in this area, and it might well be able to establish before a court that its rights extended from the low-water mark and included all off shore waters.

Mr. Millhouse: Will you put that argument to your senatorial colleagues?

Mr. HUDSON: I am not embarrassed by what the Commonwealth Labor Party is intending to do any more than the member for Mitcham ought to be embarrassed by the fact that the Commonwealth Liberal Government has agreed to a scheme that the honourable member says involves giving away South Australian territory.

Mr. Millhouse: You are proud that you may wreck this scheme that the Premier says is so good.

Mr. HUDSON: If I am embarrassed by the Commonwealth Labor Party's decision, on certain grounds that do not involve the direct interests of the State, to oppose the Commonwealth Government's proposals in this connection, I am not embarrassed by that any more than the member for Mitcham is embarrassed by the fact that he is at complete variance with his Commonwealth colleagues.

The Hon. C. D. Hutchens: He couldn't win a Commonwealth pre-selection ballot.

Mr. HUDSON: If he had got pre-selection he would have been instructed to support this legislation. What the honourable member says is ridiculous and has no meaning whatsoever. He would have been prevented from moving a similar amendment in the Commonwealth Parliament. He would have received such a sound reprimand that he would have made Andrew Jones look like an angel! Let me now direct the attention of members to the statement in the White Paper prepared deftly, concisely and with a full and detailed knowledge of the matter by Mr. Wells, who says:

As has been pointed out above, no State has any territory in that offshore area to give away, and if rights only of exploration and exploitation are to be considered and apportioned, it is far from certain whether it is the Commonwealth alone, the States and the Northern Territory alone, or all authorities conjointly, who is or are, in strict law, capable of exercising and enjoying those rights.

The States get a good deal out of this legislative scheme which, if it collapses, could result in the States getting nothing at all. The rights of exploration in the area in the Gulf of Mexico off shore from the States of Louisiana and Texas are controlled by the Federal Government of the United States of America. While I was in the United States, the Federal Government conducted a sale of exploration rights and large sums were involved in the purchase of offshore rights in that gulf. The relevant States (Louisiana, Texas and, to a lesser extent, Mississippi) had no say in the sale of these rights and no control over them, They received no return from the sale. The fantastic sums paid by various companies for exploration rights in that area went entirely into the coffers of the Federal Government.

In this Parliament we are concerned to protect the interests of this State. If we do not support this legislative scheme and it collapses, then the interests of South Australia will be adversely affected. If the legislative scheme collapses as a result of the political machinations of members opposite, this will be simply because they have tried to get credit with the electorate on something. Then they will be able to hold their heads high in future and tell the people that they were responsible for ensuring that any revenue from oil discoveries off the coast of South Australia did not come to South Australia but went instead to the Commonwealth Government. They can say that this was the result of a political advantage they took. The general arguments for the arrangements reached are stated clearly by Mr. Wells. There is nothing in the law of Australia or of the United Kingdom to suggest that land of the State of South Australia extends even out to the three-mile limit. If the decision in the case of *R. v. Keyn* were taken as highly persuasive by the High Court of Australia, for example, it would be held that the land of South Australia extended only to the low-water mark.

I support the legislation and I congratulate the Premier and Mr. Wells on the job that has been done. I believe the map on the board in this Chamber demonstrates clearly that the area in dispute is small. The map on page 15 of the accompanying document, which the member for Mitcham took some time to explain, is completely and utterly misleading in this respect and is not meant to represent the areas of the continental shelf that would be effective areas for exploration. Obviously, if it were meant to show them it would be completely misleading.

Mr. Millhouse: What's it meant to show?

Mr. HUDSON: In one or two places it represents about 1,000 miles out to sea. Surely the honourable member would not suggest that the continental shelf extended that far out to sea.

The Hon. D. A. Dunstan: It is simply meant to show survey lines—the necessary boundary lines drawn for the purpose of effecting a survey.

Mr. Millhouse: What is the purpose of the map?

Mr. HUDSON: The honourable member was trying to suggest that South Australia had lost huge areas of territory.

Mr. Millhouse: I said we had given away rights we need not have given away.

Mr. HUDSON: Then the honourable member was referring to areas beyond the continental shelf, because 90 per cent of the area represented on the map on page 15 would be beyond the continental shelf, as the honourable member is aware. The honourable member is also aware that the width of the continental shelf near the border between South Australia and Victoria is narrower than at any other point of the South Australian coastline and for that reason the disputed area is, in fact, small in extent. Although I fear that the member for Gumeracha will insist on having the last word and will no doubt say various things that will be completely misleading—

The SPEAKER: Order! The honourable member cannot anticipate what another member will say.

Mr. HUDSON: I agree with you, Sir, that I should not anticipate what another member will say, but to suggest that I cannot anticipate or guess what the honourable member will say is a little inaccurate. I have much pleasure in supporting the Bill.

The Hon. Sir THOMAS PLAYFORD (Gumeracha): The Bill deals with three distinct matters: first, the question of rights and of the arrangements that have been made between the States and the Commonwealth; secondly, the code that shall be observed in the exploration of the areas concerned; and thirdly, the boundaries between the respective States. I cannot see anywhere in the Bill where the arrangements determining the boundaries between the States are set out. I hope that the Premier will deal with this matter later. Notwithstanding the so-called success of some of the social legislation passed recently, I believe this Bill is the most important to be brought before Parliament this session and, in

fact, since the last election. I do not think anyone today can visualize its full ramifications.

In years gone by it was a very brave person who predicted that enormous mineral resources would be available to Australia outside the three-mile limit. I do not believe the Australian people yet realize what the outstanding success of the exploration off the Victorian coast will mean to them. It is now clear that in our offshore waters there is enormous mineral wealth, the full extent of which is not yet known. I do not know how many hundreds of wells have been bored in Australia in the course of oil exploration in the last few years, but relatively few of them have been bored in the ocean. However, oil discoveries in the ocean have transcended in importance the mainland discoveries.

I deplore the fact that this Bill was not available when it was explained to us last week. We have had no opportunity to do any research because, since the Bill has been available to us, except for brief periods, the House has been sitting almost continuously discussing other matters. I strongly object to the way the business of the House is being conducted. I do not know why we should not take another month to consider this Bill. Why should the Opposition have, during a brief period of debate, to discuss this Bill, the ramifications of which no-one has the faintest idea? We need only to consider the speech of the member for Glenelg to realize how little this Bill is comprehended by members of this House. His speech showed he did not have the faintest clue about the Bill's ramifications. However, I do not blame him: I blame the fact that we have been asked to consider such an important Bill in these circumstances.

I am concerned about the way in which the Premier presented the Bill. I do not know whether he canvassed this. I do not think he did, but certainly some of his friends did; maybe he did not know this. We were even asked whether the Premier's explanation could be printed in *Hansard* without his reading it. This is the sort of thing we are being asked to tolerate!

I shall not deal with the provisions relating to the conditions under which exploration may be carried out; I assume they have been carefully studied and that, in the main, they are good. However, even if a Bill has been competently prepared there is always policy involved and I do not know whether it is sound. I am interested to read in the *Advertiser* that the Labor members of the Commonwealth Parliament do not consider it was sound. It is interesting to note that they challenged the exploration provisions of the Bill, including the royalties to be paid, and to whom they should be paid. I am not criticizing them for doing so; undoubtedly in due course they will be able to justify their actions to their own satisfaction and probably to the satisfaction of a wide section of the public.

I have no hesitation in saying that the Commonwealth-State arrangements provided in this Bill are bad. I remember the first negotiations that took place between the Commonwealth and the States. When it first became necessary to consider oil exploration, the Commonwealth Government started off by taking what was possibly a very good approach. The Commonwealth stated it was not personally interested but would assist the States to carry out the exploration on the continental shelf. I must confess that as time went on, the Commonwealth gradually altered its conditions and began to assert that it should be subject to a partnership of interest. It gradually began to demand royalties and active participation. Notwithstanding that the Commonwealth dealt with an international convention concerning offshore areas, I have grave doubts concerning the validity of the Commonwealth's claim; I cannot find anything in the Constitution that supports it. All that I can see in the Constitution that gives the Commonwealth any claim over the sea is the provision in section 51 (x) that makes fisheries in the Australian waters beyond territorial limits a matter of Commonwealth jurisdiction.

The Hon. D. A. Dunstan: Do you think that is the only Commonwealth constitutional authority?

The Hon. Sir THOMAS PLAYFORD: No, I did not say that. I am glad that the Premier is awake, because that gives me renewed interest in the debate. I knew that the Commonwealth was involved in a convention and that it might be claimed that the fact that the Commonwealth did that, as it was legally entitled to do, would give it some authority, although I have heard strong argument that entering into a convention does not give the Commonwealth the right to impair State rights. That argument has been submitted by learned lawyers in the High Court, and I think it has been accepted in some cases.

I am sorry that the Commonwealth departed from its first approach to this matter, because at present there is no doubt that any revenue that the Commonwealth gets from oil investigation or royalties will still be more than is required for subventions to the State on

account of the present financial arrangement and it would have been a good thing if this could have been used as a method of adjusting the financial equilibrium in relation to the States. I do not consider that, from a Commonwealth-States point of view, we can accept the present position with any great enthusiasm.

The departure did not arise after the election: it had been emerging well before that time. It was the subject of much controversy, and I know that the present Minister of Mines (Mr. Bevan) took the same stand on it as the former Minister of Mines (Sir Lyell McEwin). From that point of view, no politics are involved. The only political aspect as far as I am concerned is that in this instance the Commonwealth could have shown a much wider approach to the position by giving the States any royalties that accrued. That would be still more than was required to cover the inequality of the financial resources that has developed in the last few years.

I say, with all respect to Mr. Wells, who has great learning, ability and integrity, that I do not place much importance on the so-called White Paper. I consider that it is political rather than an exposition of the law. In fact, I doubt that it can be considered to be an exposition of the law at all. It raises a number of questions and reaches the conclusion that this matter can be decided only by negotiation between the Commonwealth and the States on the one hand and among the States on the other, and that agreement must be reached if all the advantages of the convention that would enable us to explore offshore areas are not be lost or subject to question.

I go so far as to say that that is a commonsense approach, and I have no argument about it. However, I have some argument about some of the detail in the White Paper, and I shall deal with that later. I entirely disagree with all the action taken subsequently to relegate this as a relatively unimportant matter. On this matter the former Premier (Mr. Walsh) took a stand that I strongly applaud.

Mr. Millhouse: He is much to be applauded for it.

The Hon. Sir THOMAS PLAYFORD: Yes, and he was not criticized by the Opposition regarding that stand. He said Victoria did not own or have any right to the disputed area, as Mr. Wells has said. There is no argument about that. The present exposition by the Premier says that Victoria had no right to any area beyond the three-mile limit. It was a question not of Victoria or South Australia having rights but of a political bargain to arrive at a solution which was acceptable to both Governments and which the Commonwealth would then adopt for the purposes of legislation and the arrangements to be entered into.

We sent a senior officer of the Crown Law Office, a good officer, to Victoria to fix up an agreement. We did not send the Minister. We entirely ignored that Victoria had found, adjacent to that State, oil resources of enormous wealth that the Victorian Government could not possibly acquire until that State had reached an agreement with South Australia. We sacrificed completely our strong bargaining position. How often in the history of negotiations between Victoria and South Australia have we seen such an interesting episode as the Premier of Victoria coming cap in hand to South Australia to meet the Premier of this State in order to try to get South Australia to agree to something? How often has the Premier of Victoria come here as a supplicant? I have been associated with Parliament for a long time (members opposite would say for far too long), and I cannot remember the Victorian Government having taken that attitude at any other time. In all my dealings with Victoria, this State had to justify twice over everything it got from Victoria. We had to go over there cap in hand frequently, but here we have the Premier of Victoria (Sir Henry Bolte) coming over here and waiting on the Premier's doorstep and, as a matter of interest and not without some amusement to some people at least, he was brushed off. Honourable members opposite know that that was the position.

He went home and then started a frantic correspondence offering to go to negotiation and arbitration, but the Hon. Frank Walsh stood firm and said, "No, we want the meridian line that is set out in a Letter Patent that established South Australia. We will not give up the meridian line." That was the position firmly established without any opposition from this side of the House, with Victoria becoming more and more alarmed and more and more anxious to negotiate. One fine morning the Premier decided that we would give the whole show away and one of our officers went over to Victoria to hear the terms that would be offered to us.

Why was it? What happened in the meantime? The only thing was that Victoria had

found another oil basin, which made its position even more difficult than it was in the first place. Why the changed attitude? On frequent occasions the Premier has posed as a strong man who would not give up anything. He says he is going to take someone (I do not know whom) to court on the Chowilla dam soon to have that matter settled. Why did he do this when we did not have to do anything or get a Queen's Counsel's opinion or spend anything on legal fees or anything else? All we had to do was sit tight. We had all the aces in the pack and a couple up our sleeves.

Mr. Coumbe: Has Sir Henry been back since?

The Hon. Sir THOMAS PLAYFORD: We will not see him over here any more.

Mr. Coumbe: He's got what he wants.

The Hon. Sir THOMAS PLAYFORD: Why should he want to come over here again? He has everything he wants. We are told that the line that has been drawn moves around a bit to include or exclude some interesting areas and that it is a compromise but that it is a good compromise from both sides.

Mr. Coumbe: Everybody's happy!

The Hon. Sir THOMAS PLAYFORD: Everybody has a good compromise and I believe that that correctly states Victoria's position. I do not think there will be any difficulty in getting this legislation through the Victorian Parliament. Unlike the other States, which keep mostly to their boundaries, the Victorian adjacent water has flared out and finishes up south of Kangaroo Island. The map that has been put up for public inspection is the respectable one: it does not show the full area, nor does it show where the line finishes up. We have been told that the line has been fixed for survey purposes and that we can disregard it. That is not correct. It has an important meaning, because anyone who knows the development that has taken place with regard to the methods of offshore oil exploration knows that on present progress oil exploration will be possible in any place in the world in a few years, except perhaps in the deepest areas of the Pacific and Atlantic Oceans.

It was not very long ago that oil exploration could take place only on stilts, that is, platforms with legs. In South Australia today we have produced a vessel that can explore down to at least the 600ft. mark, although I do not know whether that is the limit to which it could explore. That change has taken place over a short space of time. If we could fix the position of a ship with accuracy and hold it with that accuracy, what is to prevent us from investigating areas very much deeper in the future? Nothing whatever. To say that these lines have only a survey value, why could we not have some survey lines much closer to the shore? They would be just as easy to establish.

I repudiate the compromise that has been entered into that gives to Victoria at least 50 square miles of territory beyond the border line. I have been accused by the Premier and other members opposite and, indeed, some members on this side of the House have been doing some peculiar things to me politically; but I have never been accused of selling out as far as South Australia's interests are concerned and I do not propose to start at this stage. I want to go further than that, because this is not the first case in which we have had some problem with the border between Victoria and South Australia. Strangely enough, on the previous occasion that we had a dispute with Victoria on the boundaries we got the worst of it and we finally lost to Victoria a portion of the territory that was originally proclaimed as being South Australian territory.

The circumstances were that when the proclamation was issued by His Majesty proclaiming the limits of South Australia, the eastern boundary of South Australia was proclaimed to be the 141st meridian east and, at that particular stage, that was the limit of South Australia. As Victoria did not then exist it was also the western limit of New South Wales. In about 1847, when settlement in South Australia had extended southward and settlement in New South Wales had extended westward, it became necessary to fix the boundary. Correspondence took place between the Governments of New South Wales and South Australia, and it was decided that New South Wales would provide a surveyor to fix the boundary at the 141st meridian of longitude. South Australia sent an observer to accompany the New South Wales officer, and the two gentlemen, with the imperfect survey equipment then available to them, set out conscientiously to establish the 141st meridian.

Establishing a point at the mouth of the Glenelg River, they travelled due north, marking the boundary from the Glenelg River to the Murray River. This boundary, which was then gazetted in both South Australia and New South Wales, continued to be the accepted boundary for a number of years. However, it was subsequently discovered that the surveyor

had made an error, having fixed the boundary about 2¼ miles west of the true 141st meridian. The State of Victoria having been established at this stage, South Australia then tried by way of correspondence to obtain a correction with the Victorian Government, but that State brushed us off, saying that, the boundary having been fixed and gazetted, that was all there was to it. A dispute then ensued over many years, reaching the High Court and, finally, the Privy Council. However, the Privy Council held that, as the existing boundary between South Australia and Victoria had been fixed conscientiously and to the best of the ability of the surveyor concerned, it was the legal one. It is interesting that that Privy Council decision related only to the land boundary. The *Gazette* stated that the "notice issued was a proper notice" and that the existing boundary was to remain.

Mr. Coumbe: What is the date of that gazettal?

The Hon. Sir THOMAS PLAYFORD: The *Gazette,* dated December 11, 1847, states:

> The boundary line between New South Wales and South Australia commences at a point about 1¼ miles east of the mouth of the Glenelg River, whence the 141st parallel of east longitude cuts the sea coast—

and it then proceeds to define the extent of the boundary north to the Murray River. Therefore, the boundary that has been established gives Victoria an additional strip of land about 2¼ miles wide from the sea to the Murray River. The original proclamation of the State fixes our boundary at the 141st meridian. I doubt whether the map in this Chamber really reveals the correct boundary. The matter is certainly not one to which Mr. Wells gave any attention. I assume that custom over a long period lends support to the claim that the area belongs to Victoria because it has administered it for many years, although what administration Victoria has offered in respect of the area, I do not know.

The Hon. B. H. Teusner: Possession!

The Hon. Sir THOMAS PLAYFORD: Yes, that State has been in possession of the area for many years. The negotiations between South Australia and Victoria have been badly carried out; indeed, they have been irresponsibly carried out. Whoever heard of negotiations concerning important petroleum rights between two States being conducted by officers, and not even a Minister being in attendance? The Premier would find it difficult to justify what has happened in that regard.

Mr. Langley: He's doing a good job.

The Hon. Sir THOMAS PLAYFORD: A wonderful job! Here we have one of the most important matters that have arisen in the life of this Parliament being relegated to officer level: an officer has been told to do the best he can. Although I have no doubt that the gentleman concerned did the best he could, he was unfortunately not able to do half as well as we would have been able to do had we let him stay at home and allowed Sir Henry Bolte to make three or four trips to South Australia in connection with the matter.

The Hon. R. R. Loveday: What a rotten reflection on the officer.

The Hon. Sir THOMAS PLAYFORD: The negotiations were irresponsibly carried out.

The Hon. R. R. Loveday: Rubbish!

The Hon. Sir THOMAS PLAYFORD: They have not preserved the interests of South Australia.

The Hon. R. R. Loveday: Rubbish!

The Hon. Sir THOMAS PLAYFORD: We see plenty of that! Even at this late stage, I believe that it would be better to leave the Bill to mature a little. I can see no urgency in rushing off to obtain an agreement between Victoria and South Australia that is unfavourable to this State. I know the Premier will say that we have no rights, but neither did Victoria have any rights. We were interested in areas which in the Bill, I think, are referred to as "adjacent areas", and we have negotiated 50 square miles of our "adjacent areas" into Victoria. That was at a time when all we had to do was show a little determination and sit tight, as the previous Premier had done. We did not want the White Paper or anything else like that: all we had to do was sit tight and recognize the diplomatic strength of our position. I have grave doubts whether this Bill confers the benefits on the people of South Australia that the Premier has announced it does. I watched him on television in connection with this matter and was only sorry that somebody did not ask him then what was the urgency of accepting a compromise with Victoria when we had the advantage of time on our side.

I have great reservations about the Bill and object to the way in which we are asked to handle it. I do not mind staying up as late as anyone and plenty of time being devoted to debating the Bill, but a measure of this description should not be forced through the House at the end of a week of late sittings. Last night we sat until nearly 2 a.m. and the previous night until nearly midnight. We have had a mass of detailed legislation before

us and have had no opportunity of studying what is involved in this Bill. I know the Premier likes to get legislation through and the quicker he can push it through the less scrutiny it will receive. I strongly object to that. That procedure is not in accordance with the best interests of the State. It is a bad way of legislating. There is no reason on earth why we could not spend another month, if necessary, to make sure that the provisions of the Bill were properly considered. Not one of the States has yet passed similar legislation and, as the member for Mitcham has pointed out, it has now become apparent that in the Commonwealth Parliament there is a sharp cleavage of opinion as to what the Bill will do—indeed, whether it will pass in the Senate. I ask the Premier to give me and other honourable members time to study the implications of this Bill. I suggest we report progress and spend two or three weeks studying what is involved in the Bill. Surely the people of South Australia have a right to expect that a measure of this description should not be dealt with in this piecemeal way by jamming 120 clauses through in a matter of a few minutes, which we shall be asked to do when the second reading debate is concluded. We have had no opportunity to study the detailed provisions.

Too often this session when Bills have been introduced the Government itself, even before giving a second reading explanation, has prepared page after page of amendments. There is ample evidence on our files of legislation being introduced without proper initial scrutiny by the Government. I ask the Premier to consider not proroguing the House next week but spending, if necessary, another month on ensuring that this Bill is properly considered and that its implications are fully appreciated by the people of South Australia.

Mr. HALL (Leader of the Opposition): It is not only time that complicates this debate: it is the fact that this all-important matter of the division of rights between South Australia and Victoria is included in lengthy legislation regarding the oil industry. We can avoid being accused both inside and outside this House of delaying the necessary agreement between the Commonwealth and the States in regard to royalties and other matters simply by dealing with this important division of rights between the States in a separate piece of legislation. The argument is confined not only to the area on the continental shelf up to a distance of 200 metres; if members care to read the definition in the information given about the agreement relating to the exploration for, and the exploitation of, the petroleum resources, they will see a map drawn including a large offshore area off the States of Australia, and at the bottom of the map a footnote states:

The Bill applies only in relation to exploration for, and exploitation of, the petroleum resources of such submerged lands included in the adjacent area as have the character either—

(*a*) of seabed and subsoil beneath territorial waters, or

(*b*) of continental shelf within the meaning of the Convention on the Continental Shelf signed at Geneva on April 29, 1958.

The Hon. D. A. Dunstan: That is exactly the opposite of what you said a few moments ago.

Mr. HALL: If the Premier will listen a little longer, I will read to him from the Second Schedule the definition of "adjacent area". It is defined as this particular piece of offshore area mentioned in the explanation of the agreement. We have the rights in the area out to 200 metres, but we also have the rights in the whole area if we can go and get them. We cannot prevent other people going into that area but it is ours if we can get it.

The Hon. D. A. Dunstan: Have you read the Second Schedule?

Mr. HALL: Of course.

The Hon. D. A. Dunstan: What do you read the last two phrases of it to mean?

Mr. HALL: To which sentences are you referring?

The Hon. D. A. Dunstan: I am referring to the following:

to the extent only that that area includes—

(*a*) areas of territorial waters; and

(*b*) areas of superjacent waters of the continental shelf.

Mr. HALL: The continental shelf is defined.

The Hon. D. A. Dunstan: Yes, at 200 metres.

Mr. Coumbe: And beyond.

The Hon. D. A. Dunstan: No.

Mr. HALL: Read Article 1 of the First Schedule, which is headed "Convention on the continental shelf." It states:

For the purpose of these articles, the term "continental shelf" is used as referring (*a*) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas.

The member for Glenelg can nod his head but, if we can get it, we can have it, under the terms of this legislation.

Mr. Coumbe: That is the agreement.

Mr. HALL: The member for Glenelg cannot be expected to see it, we know, but the two or three definitions put together clearly show that we have, in the terms of this legislation, the right to explore and exploit, and we could prevent others from having a right up to a 200-metre limit. We have the right, if we can get it, in the whole area defined in the convention on the continental shelf. Otherwise, why would the area be drawn in this way? The member for Glenelg conveniently said something about 20 square miles and then amended it to 32 square miles; but there is at least 50 square miles in the area, if he cares to measure it correctly, which we say should not have been given to Victoria. This argument has been raised before and it has been extended this evening.

Because of the importance of this definition, I regret that we cannot discuss it separately. However, we well know that this is tied to oil exploration and exploitation. If some other matters arose at some other time, I am sure that this boundary would be looked upon as something that we agreed to in relation to oil. I support the previous speakers from this side of the House who have objected to the agreement made with Victoria and with a Premier who had every reason to be more anxious about the matter than we had. From my personal contacts with the Premier of Victoria, I knew how anxious he was and how we had the upper hand in any agreement that might have been reached. I regret that we have thrown away the advantage we had.

The Hon. D. A. DUNSTAN (Premier and Treasurer): We have heard this evening some speeches from the Opposition that did not reveal either much understanding of the problem that faces South Australia in relation to this matter or much responsibility towards South Australia in obtaining for it the advantages of an agreement with the Commonwealth and the other States. The member for Mitcham made some statements about the colonial boundaries provision originally under section 123 of the Commonwealth Constitution, which bears no relationship whatever to this particular matter.

Mr. Millhouse: I did not say it confidently.

The Hon. D. A. DUNSTAN: I say it with complete confidence.

Mr. Millhouse: I merely put it up as an argument.

The Hon. D. A. DUNSTAN: It is not an argument that bears any sort of examination whatever.

Mr. Millhouse: I don't think you're right there.

The Hon. D. A. DUNSTAN: If the honourable member looks at the legislation he will see that we are not dealing with boundaries of territories: here we are dealing merely with divisions of areas in which certain rights may be exercised for exploration and exploitation. The member for Gumeracha said he could not see where it was in this legislation that the boundary was, in fact, fixed. He could not have looked carefully at the legislation, because his own Leader pointed out where it was fixed. Clause 3 states that the adjacent area, which is referred to throughout the Bill, is defined as the area specified in the Second Schedule as being adjacent to the State of South Australia. The Second Schedule sets forth the boundary line of the adjacent area between South Australia and Victoria and South Australia and Western Australia. Therefore, that is where it is fixed in the legislation; it is simple to see if one reads two pages of the Bill.

In the course of speeches by members opposite it has been stated that somehow or other the position we have arrived at in South Australia is different from the position arrived at by other States in their treating between themselves. That is not true. If members look at the boundary between Victoria and New South Wales, they will see it is not the extension of a particular land line but is a line close to the median line. If members look at the median line on that coast, they will see that the line that has been surveyed and agreed on as the line between the two States is extremely close to the median line.

Exactly the same position obtains regarding the boundary between New South Wales and Queensland. As between Tasmania and Victoria, the median line gave a projecting area to Victoria and one to Tasmania; they did a straight swap and got a straight line as a result. In the case of the boundary between the Northern Territory and Queensland, the median line was adopted. In the case of the boundary between Western Australia and South Australia, we adopted the meridian line, but the difference between the meridian line and the median line was negligible and not worth the bother of a separate survey.

Mr. Millhouse: If what you're saying is correct, why did your predecessor stick out against this for so long?

The Hon. D. A. DUNSTAN: Here again the honourable member is not stating the truth.

This matter has already been stated clearly to the House by my predecessor. The agreement between this State and Victoria was arrived at at a time when I was not Premier of this State.

Mr. Millhouse: Can you give us the date of the agreement?

The Hon. D. A. DUNSTAN: The agreement was arrived at, in fact, at about the end of April this year.

Mr. Millhouse: Is there some agreement we can look at?

The Hon. D. A. DUNSTAN: No.

The Hon. R. R. Loveday: He wants to check it up.

Mr. Millhouse: Was it stamped?

The Hon. D. A. DUNSTAN: No.

Mr. Millhouse: In what form is the agreement?

The Hon. D. A. DUNSTAN: The arrangements were arrived at between this State and Victoria as the result of negotiations by two senior legal officers advising their Governments. Apparently the member for Gumeracha would have us believe that there would have been some virtue in the detailed negotiations having been overseen on the spot by a Minister of this Government rather than by the officers conferring and reporting back to their Governments. I do not know what the practical difference of that is supposed to be. No agreement was arrived at except after reports to the various Governments by the officers concerned, and the detailed suggestions as between the officers' conferences were reported to conferences of Ministers in this State: to the Premier, to the Minister of Mines and to me.

Mr. Millhouse: Is there a memorandum setting out the agreement?

The Hon. D. A. DUNSTAN: Because the agreement had to lead to a survey, there was no memorandum setting out the agreement. When it did lead to a survey, we were in a position to propose, as a part of the interstate agreement and the agreement with the Commonwealth, that this form part of the legislation.

Mr. Millhouse: Then there is nothing in writing at all.

The Hon. D. A. DUNSTAN: There are plenty of things in writing and if the honourable member wants to know about them I will tell him. If he would stop his usual course of petulant interjection he would probably be able to hear something about the matter. Although in fact the agreement was finally reached and no communication was made to Victoria on this matter until about the end of April, tentatively the officer concerned (Mr. Wells) had impressed on the Government by the beginning of April that it was absolutely essential that an agreement be made on this score. The following is his memorandum to me on March 29:

You have asked me to report upon the question whether or not it is necessary for South Australia and Victoria to agree upon a boundary line before the beginning of the conference of Ministers and technical and legal officers to be held in the week commencing April 3, 1967. The importance of reaching agreement on the boundary line before the conference cannot, in my opinion, be emphasized too strongly. There can be no doubt that all parties to the conference expect it to be the last of the series which has extended over three to four years.

Delays in concluding the negotiations have had, especially in the last twelve months or so, a most unsettling effect. It must never be forgotten that although every party to the negotiations has accepted in principle the need to have a joint scheme, there are always those who are ready to regard any delay as an invitation to seek some further amendment to the draft scheme suited to their own interests. These attempts, in turn, breed further delays by which dissatisfaction and uncertainty are increased. The latter part of the negotiations have seen three important amendments—the Barrow Island amendment from Western Australia, the surplus blocks disposal amendment from the Commonwealth—

about which the Commonwealth Government is being roundly condemned in the Commonwealth Parliament at present—

and the recent amendment from Victoria concerning the oil strike off the Victorian coast. I venture to say that none of these would have been introduced if negotiations had proceeded expeditiously. I am of the opinion that these amendments have had a disrupting effect on mutual goodwill, which the success of the negotiations, in the early stages, had laboriously built up. I may be wrong, but I apprehend that if the forthcoming April conference fails to settle outstanding issues the success of the entire scheme will be seriously endangered. Late in 1966 the Solicitor-General and I submitted a joint memorandum on the establishment of the boundary line between South Australia and Victoria.

It had not been agreed to by the Government at that time. The memorandum continues:

I desire to reiterate and emphasize every word of that memorandum. It should constantly be borne in mind that failure to agree upon a boundary line means that the entire scheme must collapse. If the scheme collapses, it will be every man for himself, with a series of expensive and lengthy High Court cases looming up, which the Commonwealth is likely to win. If the scheme goes through, South Australia can be sure of something from its offshore oil resources: if it does not, it will in all probability get nothing. The compromise

on the boundary line offered by paragraph D in the joint memorandum is, in my view, the best that can be negotiated and is weighted in South Australia's favour. It would also, in my view, be acceptable politically.

It is wholly wrong to suggest that South Australia is giving something away: we cannot really be sure that we have anything to give away. I can think of nothing better calculated to ensure the success of the forthcoming conference than an official announcement, made before it begins, to the effect that South Australia and Victoria have agreed on a boundary line. On the other hand, failure on the part of the two States to agree would have a strongly depressing effect. The problem cannot be solved by the conference: it is not a conference problem. I feel that if the parties depart from Sydney leaving behind an unfinished scheme, such work as has been done may disintegrate.

Mr. Millhouse: That is not an agreement: it is merely advice from the Assistant Crown Solicitor as to what should be done.

The Hon. D. A. DUNSTAN: I am simply pointing out to the honourable member that the statements that he and the member for Gumeracha have made that the previous Premier was sticking out for a specific provision and that, upon my assuming office, suddenly something is given away to Victoria are complete nonsense.

Mr. Hall: Is the Premier saying he gave it away?

The Hon. D. A. DUNSTAN: Nobody gave anything away. What we did was to accept advice from officers competent to advise us. Honourable members can see from the memorandum that Mr. Wells's advice was in the strongest terms. He was not giving this advice in the form of a public statement, nor as though he was participating in a political matter: he gave this advice to the Government as a public servant for whom South Australians rightly have the highest regard, and he gave it in the interests of the State. Had it not been for the things members opposite have said tonight, I would not have read that memorandum.

The agreement had tentatively been reached long before my becoming Premier of this State and after negotiations over some period, with constant reports from the officers concerned. So, the agreement reached was, as stated by the officer concerned, weighted in South Australia's favour. The consequence of failing to agree could have been utterly disastrous for this State. For what the member for Gumeracha is holding out as a possible but completely unproven gain, which he cannot prove, we could have endangered South Australia's interests in offshore oil rights completely. This would have been irresponsible, foolhardy and utterly neglectful of this State's interests. If honourable members opposite pay any attention at all to the law on this matter, and the member for Mitcham is capable of examining the law (and I point out to him that there have been some developments of the law relating to this mater since the textbooks he read from were published)—

Mr. Millhouse: They do not affect anything I read out.

The Hon. D. A. DUNSTAN: So much of what the member for Mitcham read out that was of any relevance to the matter has certainly been affected, for one thing by the mere signing of the international convention. In fact, South Australia in this whole matter has got a very good deal.

Mr. Millhouse: Where is the deal set down?

The Hon. D. A. DUNSTAN: In the agreement signed between the Commonwealth and all States.

Mr. Millhouse: I cannot see it. What is the number of the clause?

The Hon. D. A. DUNSTAN: I suggest that the honourable member read the agreement, which says that legislation in the form of the appendices will be introduced. If he looks at the legislation before the House he will see that it sets forth the boundary line.

Mr. Millhouse: But it does not set forth the agreement with Victoria that was discussed, first by the Hon. Frank Walsh and later by the Premier, with Sir Henry Bolte, setting out the arrangement between this Government and the Victorian Government.

The Hon. D. A. DUNSTAN: I do not know why the honourable member is asking this, because an agreement of that kind is in the document already before him. I suggest that he simply read the agreement and the Bill. The agreement is that we will introduce the Bill in the form agreed, and the Bill provides for the boundary line. There is also a letter of intention between the various States which gives effect to our undertaking to introduce the Bill and to sign the agreement. That is all there is to it! If the honourable member does not think it is an effective agreement for all practical purposes I suggest that he go back over the matter.

Mr. Millhouse: Has there been any exchange of letters between the heads of the two Governments that this is to be the pattern?

The Hon. D. A. DUNSTAN: None at all.

Mr. Millhouse: It is a most extraordinary way to effect an agreement.

The Hon. D. A. DUNSTAN: The honourable member always finds anything in which he has not been involved extraordinary. I assure him that other people think his actions are extraordinary, too.

Mr. Millhouse: That is a fairly poor answer.

The Hon. D. A. DUNSTAN: Nothing could ever please the honourable member. He has to carry on in this pettifogging way as though there is something remarkable turning upon the fact that Victoria and South Australia have not made a separate agreement between themselves, which was completely unnecessary, saying we agreed that this was the boundary line for the purpose of this legislation. After an agreement for the legislation setting forth the boundary line had been signed, this was unnecessary. What does the honourable member intend to suggest is the practical difficulty or the practical loss to South Australia by proceeding in the way we have done?

Mr. Millhouse: One thing is the fixing of the date on which the agreement was made.

The Hon. D. A. DUNSTAN: Do I understand that the honourable member is suggesting that what I have said this evening about the dates upon which agreement was effectively reached in negotiations between Victoria and ourselves is untrue?

Mr. Millhouse: Well, it is certainly novel. We haven't heard of that before.

The Hon. D. A. DUNSTAN: We have, because the Minister of Social Welfare, who spoke when this matter was debated previously in the House, said clearly that this was not an agreement that I had made as Premier but that the matter had been agreed before I became Premier, and that was the truth. I do not know whether the honourable member wants each member of Cabinet to get up and give the nod to what I have said. They will do it if he wants them to.

Mr. Langley: He wouldn't believe it, anyway. That's how they live in a minority Government.

The Hon. D. A. DUNSTAN: The difficulty for the honourable member is that this makes some nonsense of the campaign that he and his Party are constantly waging. Part of the tactics of the Liberal and Country League at present is to make personal attacks on the Premier of this State, and the tactics run from matters like this to the basest of political personalities. Liberal members of this Parliament have been going around saying the most base and disgraceful things about me personally.

Mr. Millhouse: Would you like to look at—

The Hon. D. A. DUNSTAN: I am talking about personal criticism.

Mr. Lawn: They have told the member for Unley and me that the election campaign is going to be a personal campaign of the lowest type.

Mr. Langley: It has started already.

Mr. Millhouse: Would you care to look at the left hand side of page 2231 of *Hansard* and see what the Minister of Social Welfare said in this House about a change of mind?

The Hon. D. A. DUNSTAN: The honourable member can cite that in the Committee stage.

Mr. Millhouse: It shows clearly that he changed his mind after he ceased to be Premier.

The Hon. D. A. DUNSTAN: On the contrary, what happened in this matter was that a decision of Cabinet was taken long before, and at the behest of and on the recommendation of the former Premier, long before I became Premier.

Mr. Millhouse: That's not what he said in this House. Have a look at it.

The Hon. D. A. DUNSTAN: The Minister can speak for himself in the Committee stage and point this out to the honourable member.

Mr. Clark: Anyhow, what does it matter?

The Hon. D. A. DUNSTAN: Well, it is important to the Opposition, because it is part of the campaign against the present Premier. Another matter that has been raised by honourable members opposite (and they seem to think that there is some great political point in this) is that the Labor Party in the Commonwealth Parliament has opposed and is continuing to oppose the Bill before that Parliament to give effect to this measure. There is no inconsistency in that. The position we had to arrive at on behalf of this State was that, given the attitude of the Commonwealth Government towards exploration, we had to get the best deal that we could for this State. There was no way for the Government of this State to ensure that the Commonwealth Government, in oil exploration matters, had a 51 per cent share in oil exploration. How could we ensure it? Given what the Commonwealth was doing in oil exploration, we had to see that the people of South Australia got their share, and that is the only position that the State Government could conceivably take. The same position was taken by the State Government of Tasmania, where my friend Mr. Fagan, Attorney-General and Minister for Mines in that State, worked closely with me

and our Minister of Mines in arriving at this agreement.

Mr. Millhouse: Are you going to talk to the Commonwealth Labor members about this?

The Hon. D. A. DUNSTAN: The Commonwealth Labor members had spoken to me about this before they took a stand in the Commonwealth Parliament, and we have been in complete accord on this.

Mr. Millhouse: Are you still?

The Hon. D. A. DUNSTAN: Yes, we are. The honourable member is facing the situation that the Comonwealth Parliament can certainly affect the one way in which we can get a better agreement for the State in this area, and this is the attitude of the Commonwealth Government about its participation in oil exploration.

Mr. Hall: Isn't this threatening the legislation, so that we may get nothing?

The Hon. D. A. DUNSTAN: No, because if the Commonwealth Government takes a different attitude about oil exploration, it will not get rid of the State's rights by walking in and taking them over.

Mr. Millhouse: Won't it mean that this scheme falls to the ground?

The Hon. D. A. DUNSTAN: I think that that scheme can be amended without any difficulty on this State's part. Our situation is that, if this whole thing, given the attitude of the present Commonwealth Government, fell to the ground, that would mean, on the threats that the Commonwealth has issued, that it would walk in and take the lot, and in doing that it would hand the whole thing over to the oil exploration industry here. That is because, in the agreement that the Commonwealth has forced on the States in this matter, the oil industry in Australia is getting a much more generous deal than is the case in any comparable country.

Originally, all the States in the Commonwealth had agreed to the graticule system and the relinquishment of blocks and the like, and we had complete agreement between the States and the Commonwealth that, in the interim period before this legislation could be debated, nobody would depart from that standard of granting licences. When we had got to that agreement and were on the eve of proceeding with legislation (because matters of principle had been agreed upon and only drafting matters needed to be cleaned up), last year the Commonwealth returned to the fold and said that it had had further applications from the oil industry, and the Commonwealth gave away a great deal more. In consequence, the oil industry in Australia, under this provision, is getting a far more generous deal from Governments than is the case in any comparable country.

Mr. Millhouse: Do you think it's too generous?

The Hon. D. A. DUNSTAN: Well, it is certainly more generous than I would have been prepared to give, but the margin here was whether we would lose the lot, and some fairly hard words were spoken not only by me but also by Liberal Premiers about the attitude of the Commonwealth at a conference in Melbourne, and the Commonwealth completely revised its attitude to the States and to the oil companies on this matter.

Mr. Lawn: That explains the attitude of the Labor Party in the Commonwealth Parliament.

The Hon. D. A. DUNSTAN: Yes.

Mr. Millhouse: I cannot quite see it.

The Hon. D. A. DUNSTAN: The honourable member never wants to see anything.

Mr. Millhouse: I am fascinated. I would like to see it.

The Hon. D. A. DUNSTAN: I am pleased to have contributed some fascination for the honourable member. It is about time he got some interest in life other than what he has been getting recently. Really, what has been said about this legislation today has been mistaken and facile. It has certainly not shown, particularly on the part of the member for Gumeracha (Hon. Sir Thomas Playford), even the most cursory reading of the legislation. The honourable member wants us to stay in session for another month to consider it.

The Hon. Sir Thomas Playford: What you say makes that necessary, I suggest.

The Hon. D. A. DUNSTAN: I am afraid that I cannot agree to this course for the honourable member. We have had a lot of work to do during this session and the honourable member has contributed considerably to the wasting of time. If anybody has ever made a series of hopelessly repetitive speeches in this House saying the same thing over and again *ad nauseam* it is the member for Gumeracha.

Mr. Millhouse: That's harsh.

The Hon. D. A. DUNSTAN: Either the member for Mitcham has not listened to his speeches or has absented himself from the House because of the nature of them. If the member for Gumeracha had contributed to getting our measures through in reasonable time there might have been more time in which to debate them.

Mr. Coumbe: Are you suggesting that members of the Opposition should not speak?

The Hon. D. A. DUNSTAN: No, but I suggest that when they do they should speak to the point and not speak repetitively.

Mr. Hudson: The member for Mitcham thinks this Government learned bad habits from the previous Liberal Government.

The Hon. D. A. DUNSTAN: The member for Mitcham only the other day published in his local paper that we had a rush of legislation at the end of the session. It is perfectly normal, and that is the the way the cookie crumbles.

Mr. Millhouse: You actually read my articles?

The Hon. D. A. DUNSTAN: Yes. I confess to the honourable member that the article was drawn to my attention by someone else. It really shows that the honourable member is sincere in the bitter complaints he made earlier this evening in high dudgeon about introducing legislation at the end of the session. I suggest that we get on with the job.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

Mr. HALL (Leader of the Opposition): The definition of "adjacent area" states:

"Adjacent area" means the area specified in the Second Schedule as being adjacent to the State of South Australia.

I express my surprise that the Premier did not know that there was some effect on the entire area of the map drawn in the agreement before the House. We were told some weeks ago that these lines were only for the convenience of drawing a boundary. On further reading of the schedule we find that this is not so but that they have a meaning in the apportionment of rights in the area. Either we were misled or the Premier did not know the position. This boundary will no doubt stand for all time in the forseeable future in relation to petroleum resources. Who can say in years to come what further resources may be obtainable in this area. We cannot say what resources are there or how they could be recovered, but it would be a very wise man who could get up in the House and say that nothing will be recoverable from the petroleum resources in the area.

I express my surprise that the Premier was not aware of this important consideration in presenting this agreement to the House. While I do not want to stress the value of this area at this stage, I believe it will be important at some future time when we look back and consider the mistake that has been made on the boundary between Victoria and South Australia. We do not want someone in 100 years' time to say that the mistake was made in the 90,000 square miles in the corner between the projection of the land boundary and the one that the map bears. There are two areas we are considering: 50 square miles in the short term, and something like 90,000 or 100,000 square miles in the long term.

The Hon. D. A. DUNSTAN (Premier and Treasurer): For all practical purposes my interjection was entirely correct. If the Leader thinks there is any likelihood in the future of our being able to exploit petroleum resources from the sea-bed beyond the continental shelf, all I can say is that he has not looked at what kind of a dive the sea-bed takes from the edge of the continental shelf. If he had, he would not have said the things he has said.

Mr. HALL: I have taken a look at the dive and I realize the extreme depths that exist along the shelf. The Premier has referred to depths of 600ft. There are significant shelves on the slopes of the shelf itself, quite possibly within reach of drilling rigs or extraction methods that are conceivably on the drawing boards today. I understand the rig we have now will drill to 600ft. Does the Premier deny that there are existing rigs that will drill to 600ft.? Does he think we have reached the ultimate in 1967? Of course we have not. Immediately there opens before us a scope beyond the 50 square miles on the map. We have given it away not for the foreseeable future the Premier has talked about but probably for all time as far as we can consider it. This is what I expressed my surprise about.

Mr. MILLHOUSE: One of the things that surprised me most this evening was the sudden claim by the Premier that the decision with regard to the offshore boundary between South Australia and Victoria was made some time before he came to office. This is new.

The CHAIRMAN: Order! The Committee is dealing with the interpretation clause.

Mr. MILLHOUSE: I am referring to the definition of "adjacent area". Will the Premier say when it was agreed with Victoria (as it apparently was) that this should be the adjacent area for South Australia? Can he give a date?

The Hon. D. A. DUNSTAN: It was some time in May.

Mr. MILLHOUSE: In what form? Can the Premier point to any document that has been initialled by Mr. Wells on behalf of the Government or himself, or by Sir Henry Bolte or Mr. Murray?

The Hon. D. A. DUNSTAN: I think it was about eight or nine months ago. A memorandum initialled by Mr. Murray and Mr. Wells was submitted by both Governments. There was an oral communication in May last with the Victorian Government that we would be prepared to agree to a boundary on the basis of that memorandum.

The Hon. Sir THOMAS PLAYFORD: What is the significance of taking in an adjacent area concerning Victoria? The adjacent area of South Australia and that of Victoria adjoin. The adjacent area of Victoria projects into the Southern Ocean almost due south of the extreme point of Kangaroo Island. On no conceivable grounds can Victoria claim any part of that vast expanse of ocean. What right has Victoria to claim an area that is far beyond any geographical interest to that State? It is not necessary to go so far out into the waters south of this State for a survey fix.

The Hon. D. A. DUNSTAN: If the honourable member will look at the map on page 17 of the agreement, he will see that the line, after the inshore line has been drawn, is the median line: the median is, from that point, taken to a point 44 degrees south. The median line is the line which is equi-distant during the whole of its length and at every stage during its length from the nearest point on the shore of the contending States. In other words, that line over the whole of its length, except in the inshore area, is the same distance from the nearest point in Victoria as it is from the nearest point in South Australia.

Mr. Coumbe: I asked this question of you earlier and you didn't explain it.

The Hon. D. A. DUNSTAN: I am sorry about that. However, I explained this earlier to honourable members when referring to the difference between the two contentions. Victoria had contended throughout for the median line over the whole length from the shore to 44 degrees south. We were not prepared to agree to that. The median line is the line which on international precedent is the one normally taken for fixing offshore boundaries between contending States, and it is the line which over the whole of its length is equi-distant from the nearest points of land on either side.

The Hon. Sir THOMAS PLAYFORD: If the Premier continues to examine the map he will see that the median he is discussing is the line that was not accepted in the negotiations between Victoria and Tasmania. The Premier said that this was laid down by international precedent, but look where the median line would take the boundaries between Tasmania and Victoria! In fact, the Tasmanian boundary extends to within a stone throw of Wilson Promontory. There is no median there. The Premier said Victoria claimed a median line, but it did not do so.

The Hon. D. A. DUNSTAN: Obviously, the honourable member did not listen to what I said when explaining the Bill, because I gave the details of the negotiations for the basis of the lines fixed as boundaries between the other States. The line, which is called the median line and not the medium—

The Hon. Sir Thomas Playford: I did not have the education you had.

The Hon. D. A. DUNSTAN: I am aware of that.

Mr. Millhouse: Gee whiz!

The Hon. D. A. DUNSTAN: If the honourable member wishes to sneer at my education he will receive as good as he gives.

The Hon. Sir Thomas Playford: I wasn't sneering.

The Hon. D. A. DUNSTAN: The honourable member was previously; he asked for it. I am prepared to give as good as I get.

The Hon. Sir Thomas Playford: You'll get some, too.

The Hon. D. A. DUNSTAN: That is fine. The honourable member did not listen to what I said regarding what happened between Tasmania and Victoria: I pointed out that Victoria's median line was a projection into the inner Tasmanian coastal area. In the Tasmanian case, it was a projection into the inner Victorian coastal area, and an exchange was made in order to achieve a straight line. Concerning Victoria and New South Wales the line is extremely close to the median line.

The Hon. Sir Thomas Playford: It is not the median line, however.

The Hon. D. A. DUNSTAN: It is as close to the median line as is the line between South Australia and Western Australia; that is, it is so close that there is no point in conducting a separate survey. This was a simple survey point to take, and it was extremely close to the median line. A similar case occurs concerning the line between New South Wales and Queensland, although there is some movement in that case in the inshore area, as the honourable member will see. The median line does not always go straight out by any means: it can vary considerably over its length, but in the case concerning Victoria and South Australia, from the bend in the inshore area, about

which we negotiated, the median line then takes over.

Mr. MILLHOUSE: If I understood the Premier correctly when he replied to me regarding the date and method of agreement of the adjacent area with Victoria, the position is that about eight or nine months ago Messrs. Wells and Murray submitted memoranda to their respective Governments recommending a certain boundary. In the meantime, every other State had been able to agree with its neighbour as to the boundary line, and the last boundary outstanding was that between South Australia and Victoria.

The Hon. D. A. Dunstan: That is correct.

Mr. MILLHOUSE: Then, some time in May (we are not able to fix the date) the South Australian and Victorian Governments agreed orally to accept the memorandum. It is obvious from this, as from many other indications, that there was much discussion, argument, dispute and debate about this boundary line. It is extraordinary that a decision of this difficulty and importance made orally has not been confirmed in writing. I have had some experience of negotiation in the law (and this was in many ways akin to such negotiations) and the invariable practice when an arrangement or agreement is reached between the parties or their solicitors is to confirm it afterwards in writing. As I understand the Premier's explanation, this has never been done in respect of this boundary. Am I right in my understanding that the agreement has remained oral between Mr. Wells and Mr. Murray, negotiating on behalf of their Governments? Has it never been confirmed even by an exchange of letters between them? If I am correct in this understanding, will the Premier explain why in such a difficult and delicate matter the usual course of confirmation of an agreement in writing, at least by an exchange of letters, was not followed here?

The Hon. D. A. DUNSTAN: I have already pointed out to the honourable member that, if he chooses to read the agreement, he will see that it sets forth quite clearly that we are to introduce legislation, which means that the boundary line is fixed in the legislation. Therefore, the agreement was finally made by the signatures on the document which the honourable member has in his possession. It is not always necessary during negotiations, as the honourable member knows from his own practice, to submit a memorandum in writing at each stage an agreement is reached. This was not the only matter for agreement between Victoria and South Australia: many other matters were to be covered in an agreement before this particular document could be produced, and when it was produced it was signed. I cannot see what the honourable member is fussing about.

Mr. MILLHOUSE: The Premier is being obtuse if he does not see what I am fussing about, because the plain fact is that the oral agreement on the boundary between South Australia and Victoria was made some time in May—although we do not know exactly when in May; but this agreement was not signed until 10 days ago. It is dated October 16, which is five months later. Does the Premier really mean to say that South Australia was committed to this for five months on the oral say-so of senior public servants? This is extraordinary.

The Hon. Sir Thomas Playford: The document was prepared on an oral say-so?

Mr. MILLHOUSE: Yes, of two "silks". Does the Premier say that?

The Hon. D. A. Dunstan: It is absolutely pathetic and childish.

Mr. MILLHOUSE: Not to anyone who understands these things.

The Hon. D. A. Dunstan: You understand only too well. You are being even more childish than usual.

Mr. MILLHOUSE: The Premier is too tired to carry on this debate.

The Hon. R. R. Loveday: The Northern Territory rested on letters.

Mr. MILLHOUSE: But this is not even resting on letters. There is something else far more serious than this, to which I alluded earlier in the debate, and that is that the Government of this State has presumed in this haphazard and slapdash fashion to affect the rights of South Australians—and the Victorian Government has acted likewise. This so-called agreement should not have been an executive act at all; it should have been a legislative act. An agreement of this magnitude should have been a proper one, placed before this Parliament and the Victorian Parliament for ratification.

The Hon. D. A. Dunstan: And so it has been.

Mr. MILLHOUSE: Five months later, after the whole thing, according to you, is a *fait accompli.*

The Hon. D. A. Dunstan: There is no agreement upon which any action has been taken other than the one now before the Committee.

Mr. MILLHOUSE: Yes, when it is too late to do anything about it, according to you.

The Hon. D. A. Dunstan: We do something in this legislation and you say the agreement should be ratified.

Mr. MILLHOUSE: It is a prime example of the high-handed methods of this Premier and this Government.

The Hon. D. A. Dunstan: You are being childish and idiotic.

Mr. MILLHOUSE: No fear! This is a prime example of the high-handed and slap-dash methods and absolute arrogance of the Government.

The Hon. Sir THOMAS PLAYFORD: I find it difficult to decide, from the Premier's statements, just how these matters were ultimately resolved. The Premier said that the agreement was made before he was Premier and, to substantiate that statement, he called upon the Minister of Social Welfare to speak; but the latter is on record in *Hansard,* when this matter was debated on the Estimates the other day, as saying quite clearly that it did not take place when he was the Premier. I do not want to mis-state the position, but this is what the Minister of Social Welfare is on record as saying at page 2231 of *Hansard*:

In Cabinet, the Minister of Mines and I were the most stubborn when it came to accepting the case put forward by Mr. Wells, after his conferences over many weeks with the Solicitor-General of Victoria that resulted in the compromise presented in the White Paper.

Then, listen to these words:

I do not want people to think that I held one view and that then, because I was no longer Treasurer, I accepted another view.

How can the Premier say, in these circumstances, that this Bill was not a matter that he fixed up? I am not clued up on the meaning of some words, as I have been told tonight, but I do recognize truth and have learnt to appreciate it. I saw the Premier on television. Let him look at the script he used there on this very matter. What we are hearing tonight is something that the public of South Australia was not led to believe previously.

Mr. Millhouse: Quite right!

The Hon. Sir THOMAS PLAYFORD: Let the Premier contradict it. I am not satisfied with the way in which these negotiations between Victoria and South Australia were carried out. At best, they were carried out by responsible officers. There must have been some Cabinet decision on it.

Mr. Millhouse: One would think so.

The Hon. Sir THOMAS PLAYFORD: The Minister of Social Welfare indicates that there was a Cabinet decision and that two members of Cabinet were opposed, even at that stage, to accepting it. He said that those two members had been most stubborn. He also said that he did not want it to be thought that he had said one thing when he was Premier and another thing when he was not. That does not tie in with what the Premier said this evening. I do not believe that the definition merely means that the point fixed is a survey point. I believe it means that we have agreed to lose all rights in the area, which is marked on the map on page 17 of the brochure that has been tabled, south from almost the western end of Kangaroo Island.

Some of the Premier's remarks were not in good taste, although I do not worry about that. However, we have a right to do the best we can for South Australia and there is no need for him to sneer at us for trying to do that. I have never made a political issue out of the matter. I tried to have the matter debated here when the so-called White Paper (it had none of the elements of a White Paper) was presented, and the Premier said debate on the matter would be allowed later. However, it then became clear that the Opposition would be sold short and that the debate the Premier intended to allow was not on the proposed agreement between Victoria and South Australia but on this Bill. If the Chairman of Committees had not allowed us some latitude to debate the matter during the Estimates debate, we would not have been able to debate it as a separate issue at all. I do not accept that this is a proper way to conduct a matter of such importance. The Premier can make sneering remarks about me, about the way I speak, and about the way I pronounce words until he is black in the face. If he wants to hurl insults, I can hurl them as well as he can.

Mr. Langley: You started it.

The Hon. Sir THOMAS PLAYFORD: I am prepared to play fair, but I expect the Premier to play fair, too.

The CHAIRMAN: The honourable member must direct his remarks to the clause.

The Hon. Sir THOMAS PLAYFORD: I am directing my remarks to the remarks the Premier made on this clause. I should like to know precisely the origin of this definition, when it was approved by Cabinet and, more important, what right Cabinet had to approve it without submitting it to Parliament, even if by way of motion.

Mr. Hudson: It is before Parliament now.

The Hon. Sir THOMAS PLAYFORD: It is not before Parliament as a motion. In any

case, the Premier has made his position clear: he has said that the Bill must not be amended.

Mr. Hudson: You can vote against it if you want to.

The Hon. Sir THOMAS PLAYFORD: The honourable member knows that that is not so. However, we will try to amend it and we will see how much consideration our amendment gets.

Mr. Hudson: What happened with the River Murray Waters Agreement?

The Hon. Sir THOMAS PLAYFORD: Without having a motion passed through both Houses of Parliament, the Government had no right whatever even to contemplate this agreement.

Mr. MILLHOUSE: The member for Gumeracha has put a point and asked for replies to a question. The least the Premier can do, after what he said to and about the honourable member this evening, is to do him the courtesy of replying and explaining just how all this has come about. I invite him to do so.

The Hon. D. A. DUNSTAN: I do not intend to repeat at great length what I have already said, because what I have said is clear. The two honourable members opposite concerned are clearly arguing not logically but with unclouded emotion on this matter. They are winding themselves up into a fury about precisely nothing. What has occurred in this matter is clear. No agreement affecting the rights of South Australia was ever made and executed except the White Paper. Certainly there were negotiations in which we agreed certain of the terms. Some of the things contained in this agreement were agreed to three years ago, but that does not mean that any agreement was executed. However, the arrangements were arrived at leading up to the final point. If the member for Mitcham is suggesting (and he has given a lecture about the way in which the legal profession conducts its business) that at every stage in negotiations where something is agreed as to the future terms of contract it is put down in writing and executed as a separate contract, he is talking nonsense, and he knows it.

Mr. Millhouse: I did not suggest that.

The Hon. D. A. DUNSTAN: That is what the honourable member has suggested we should have done and he has persisted in querying our not doing so.

Mr. Millhouse: At least there should have been a letter.

The Hon. D. A. DUNSTAN: The honourable member knows that is not necessary either and all he is doing is simply trying to make a jury point out of precisely nothing.

Clause passed.

Clauses 5 to 13 passed.

Clause 14—"Application of laws in areas adjacent to the State."

Mr. MILLHOUSE: During the second reading debate I suggested there was a literal error in this clause.

The CHAIRMAN: There are clerical mistakes in clauses 10, 14, 64, and 67, which have been automatically corrected.

Clause passed.

Clauses 15 to 25 passed.

Clause 26—"Request by applicant for grant of permit in respect of advertised blocks."

The Hon. Sir THOMAS PLAYFORD: I wish to raise a general matter, but this clause is the relevant part of the Bill. Prior to the agreement being reached, South Australia had given exploration licences—

The CHAIRMAN: Order! The honourable member knows that he must speak to the clause.

Clause passed.

Clause 27—"Grant of permit on request."

The Hon. Sir THOMAS PLAYFORD: Prior to this agreement being reached, South Australia had given exploration rights up to the meridian boundary and Victoria had not given rights beyond the meridian boundary. What is the position of the rights that have been given by South Australia? The area is now, by agreement, to be taken away from South Australia and given to Victoria. What will be the position in regard to exploration licences in the transferred areas?

The Hon. D. A. DUNSTAN: The transitional provisions in clause 139 cover this matter.

Clause passed.

Clauses 28 to 66 passed.

Clause 67—"Term of pipeline licence."

Mr. COUMBE: Why has the period of 21 years been determined? I realize that in subclause (1) (*b*) there is provision for making a shorter term. Has the period of 21 years been determined arbitrarily, or is it common practice elsewhere? What happens after the period of 21 years expires if a person wants to renew the licence?

The Hon. D. A. DUNSTAN: I understand that it is standard practice elsewhere to provide a permit for this length. It is the kind of

period over which a pipeline can be paid for and profitably operated.

Clause passed.

Clauses 68 to 81 passed.

Clause 82—"True consideration to be shown."

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

In subclause (1) to strike out "unless" and insert "if"; after "instrument" third occurring to insert "does not"; and to strike out "sets" and insert "set".

These are purely drafting amendments.

Amendments carried; clause as amended passed.

Cluases 83 to 138 passed.

Clause 139—"Continued operation of Mining (Petroleum) Act, 1940-1963, in some cases subject to modification."

The Hon. Sir THOMAS PLAYFORD: I assume that this is the clause to which the Premier referred when he spoke about transitional provisions, but I cannot understand how those provisions are dealt with, unless in subclause (7). I have been told that many exploration licences have been issued by the South Australian authority in the area that has now become the adjacent water as far as Victoria is concerned. I assume that those licences would not be valid when this agreement was passed, because the area would be no longer under the designated authority under the Act and would come under the control of a neighbouring State. The firms that have been given exploration licences by South Australia may have incurred substantial expenditure in connection with these blocks, and they may hold adjacent blocks. Can the Premier say whether this matter is covered by subclause (7)?

The Hon. D. A. DUNSTAN: Clause 139 (4) refers to oil exploration licences under the Mining (Petroleum) Act. This has been carefully checked. The boundary line as fixed here will not affect any existing oil exploration licences granted by this State.

The Hon. Sir Thomas Playford: It is a clear-cut issue?

The Hon. D. A. DUNSTAN: Yes.

Clause passed.

Clauses 140 to 145 passed.

Clause 146—"Fees and penalties debts due to the State."

The Hon. Sir THOMAS PLAYFORD: Some of the preceding clauses deal with the same matter. Can the Premier say whether this legislation applies to South Australia's gulfs and bays and to what are regarded as our territorial waters? Does this legislation take away from us any future right to fix the amounts that will be charged for royalties on our own internal waters, or do we now have to subscribe to a common code with regard to our own royalties? I am talking about fees that will be charged for waters that have been fixed by the original proclamation of the State as being part of the State. Are we now compelled to fix our own charges in accordance with this code? Does it take away our rights? Earlier in the evening the Premier said that the charges under these provisions were very much less than he thought they should be. He tried to get additional amounts provided.

The Hon. D. A. DUNSTAN: The honourable member has referred to territorial waters, which is normally the term used, as I understand it, for waters from the low-water mark on the coast to the three-mile limit.

The Hon. Sir Thomas Playford: And in the gulfs and bays.

The Hon. D. A. DUNSTAN: No. The term usually used for water in gulfs and bays is the internal waters of the State. The internal waters of the State are within the areas fixed by the original letters patent fixing the boundaries of the State and they are not affected by this legislation. The honourable member will see that in clause 13 (3), but the territorial waters outside the internal waters are included in the adjacent waters.

Clause passed.

Clauses 147 to 155 passed.

First Schedule passed.

Second Schedule.

Mr. MILLHOUSE: I move:

To strike out all words after "area" second occurring and insert "comprised within a projection due southwards of the eastern and western boundaries of this State and the southernmost boundary of the continental shelf adjacent to this State".

The effect of this amendment is to make the boundary between South Australia and Victoria a projection of the land boundary, that is, for it to go straight out to sea and not to curve in as it does in accordance with the schedule and as is shown on the map on the board and on various pages in the pamphlet the Premier has tabled. This is one of the crucial objections I have to the way in which this matter has been handled by the Government. This is apparently the only opportunity we shall have to debate the wisdom or unwisdom of the actions of the Government in agreeing with Victoria on the boundary as set out in the Second Schedule.

Mr. Hudson: You have debated it already.

Mr. MILLHOUSE: We have been repeatedly invited to debate the matter and told that this is the opportunity to debate it. I do not agree with the way in which these negotiations have been conducted, especially after the revelations we have had tonight as to the way in which agreement has been reached, nor do I agree with the result which has been reached, nor do I believe that this should have been a Cabinet or Executive decision.

I believe that the boundary should have gone straight south, because anything less than that means that South Australia has given away something which it need not have given away. It is no good going over all the arguments again, but everything which the Premier has said in justification of his action in making this arrangement with Victoria applies with increased force to Victoria. Victoria, too, had an interest in seeing that this legislative scheme came into being. Its interest, too, would have been jeopardized if it had not agreed with us. Victoria had, at the time, those who were anxious to exploit and explore in its offshore areas, so that, in every way, the arguments the Premier has put to justify his action (and I say "his action" advisedly) applied with redoubled force to Victoria. All we had to do was sit pat and wait until the Victorians gave in, yet we did not do that. Why should we not have done this? No-one has answered that.

Mr. Hudson: They have answered it. It is impossible to get it through your head.

Mr. MILLHOUSE: They have not. It is for the responsible Minister of the Crown, not the honourable member, to answer.

Mr. Hudson: The Premier has answered it at least twice or three times, but you will not listen.

Mr. MILLHOUSE: Either the Premier or his immediate predecessor, the Minister of Social Welfare, should answer. Why did they not sit pat and wait for the Victorians to come to us, saying they were prepared to agree?

Mr. Hudson: You know the answer.

Mr. MILLHOUSE: I do not. Never has the question been answered in this place or anywhere else. We are entitled to know the answer, because it is we who must make up our minds on this matter. That is our role as members of Parliament. It was not the responsibility of Cabinet, the Government or the Party opposite to make up its mind and to trade away South Australian rights, yet that is what members opposite have done on a vitally important matter and, the rights once gone, I doubt whether we can ever get them back. The 1911 case with Victoria shows that. I believe the boundaries should be as set out in the amendment and not as agreed by the Government with the Victorians.

The Hon. D. A. DUNSTAN: I wish not to revive the debate on this matter but merely to comment on the nature of the amendment. Much was made earlier in the Committee debate about the usefulness to South Australia concerning exploitation of the waters beyond the edge of the continental shelf. I notice the honourable member is now fixing as the southern boundary of the adjacent area the edge of the continental shelf. I cannot think, as he seems to think, that there is much available to South Australia beyond that point.

The Hon. Sir THOMAS PLAYFORD: The Premier has objected to this amendment on a technical ground, namely, that the line does not go far enough, and that it stops at the continental shelf. That could easily be remedied; if the Premier were prepared to accept the amendment the boundary could be projected farther. I am sure that from a practical point of view, if this amendment were accepted and agreement reached on it, it would not be regarded as a precedent as to the position of a future line when rigs were able to bore in deeper ocean waters. If the line were taken out to the continental shelf, I do not think any argument would arise later. Unfortunately, under the schedule as it stands at present, the line is taken beyond the continental shelf in a south-westerly (and not southerly) direction. I am interested in Victoria's forbearance in that it did not go further in this regard. I assume it decided that it had accomplished sufficient. I support the amendment. I believe that when this State was established the meridian line was laid down as the border of the State, including the ocean immediately south. No suggestion has been made that a cut-off existed and that adjacent waters for Victoria included South Australian waters.

The Committee divided on the amendment:

Ayes (14)—Messrs. Bockelberg, Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse (teller), Nankivell, and Pearson, Sir Thomas Playford, Mr. Rodda, Mrs. Steele, and Mr. Teusner.

Noes (15)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Langley, Loveday, and Walsh.

Pairs—Ayes—Messrs. Brookman, Quirke, Shannon, and Stott. Noes—Messrs. Casey, Jennings, McKee, and Ryan.

Majority of 1 for the Noes.

Amendment thus negatived; Second Schedule passed.

Preamble and title passed.

Bill read a third time and passed.

ADJOURNMENT

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

That remaining Orders of the Day be made Orders of the Day for the next day of sitting.

The Hon. Sir THOMAS PLAYFORD (Gumeracha): I do not want to hold up the business of the House, but the Government recently—

The SPEAKER: Order!

The Hon. Sir THOMAS PLAYFORD: Mr. Speaker, I am speaking to the motion that remaining Orders of the Day be made Orders of the Day for the next day of sitting.

The SPEAKER: That cannot be debated. Standing Orders do not provide for a debate on this question. For the question say "Aye"—against "No"? The "Ayes" have it.

Motion thus carried.

The Hon. D. A. DUNSTAN moved:

That the House do now adjourn.

The Hon. Sir THOMAS PLAYFORD: Mr. Speaker, I wanted to raise a point of order but you would not listen to me.

The SPEAKER: I have a motion before the Chair that the House do now adjourn. These questions are not capable of debate.

The Hon. Sir THOMAS PLAYFORD: A ruling of the Speaker is subject to a point of order.

The SPEAKER: It is not a ruling of the Speaker; it is laid down in Standing Orders. I am applying Standing Orders. This is not subject to debate.

Mr. Millhouse: Surely that is a ruling?

The Hon. Sir THOMAS PLAYFORD: Am I in order in raising a point of order?

The SPEAKER: No, not at this stage.

Motion carried.

At 11.43 p.m. the House adjourned until Tuesday, October 31, at 2 p.m.