LEGISLATIVE COUNCIL

Tuesday, October 31, 1967

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

QUESTIONS

INDUSTRIAL DEVELOPMENT

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to a question I asked on September 26 about industrial development?

The Hon. A. J. SHARD: Yes. The work of the Industrial Development Branch of the Premier's Department has as its aim the industrial growth of the State. Because all the other States already have such departments, it is considered that the South Australian body should not merely copy the methods that they have used but should do better. Briefly, it appears that other States have attempted to attract industry by advertising and promotional methods. It is the opinion of the new director that such methods cannot hope to succeed in South Australia for a variety of reasons. These include the fact that the other States have been indulging in a "race" for many years; the expense is extraordinarily high, the results are doubtful. Accordingly, the primary method to be used by the South Australian director will be to demonstrate to business leaders that the long-term advantages (that is, profits) to be gained from establishing themselves in South Australia more than outweigh the two obvious disadvantages of a small local market and long distance from other large markets.

It is proposed to set up an economic research bureau that will provide a chart on which industrial opportunities can be detected. Studies in depth will be made of these opportunities, demonstrating the capital requirements, running costs, and possible profits. These studies will then be offered to chosen industrialists. At this stage it will from time to time be necessary for the Government to offer extra encouragement to a new industry to enable it to be established. The form of this encouragement will vary from one industry to another. In this way, it is forecast that more and more soundly-based industries will come to South Australia, and bring about the growth which we must have. At the same time, every effort will be made to give existing industry the help that it requires to expand. The new director believes that it will be the growth of existing industries that will provide most of the new jobs that must be found for our growing population. The detailed methods of research mentioned by the honourable member are already in operation as the daily "working tools" of the new directorate.

DROUGHT ASSISTANCE

The Hon. L. R. HART: I ask leave to make a short statement prior to asking a question of the Chief Secretary as Leader of the Government in this Council.

Leave granted.

The Hon. L. R. HART: At Wunkar last night the Minister of Lands spoke to a well-attended meeting. This morning's *Advertiser* contains a report of some enthusiastic statements made at this meeting; one such statement by the Minister is as follows:

"If you need fodder there is nothing to stop you from ordering feed and sending the bill to the State Government," Mr. Corcoran told farmers. "We will pay it, because I am convinced that you will not send the bill to us unless you really need to."

I believe this statement requires clarification. Can the Chief Secretary say how a farmer can know when he is really entitled to drought relief? Some primary producers may assume that, if they are in difficulties, they are entitled to purchase fodder and send the bill to the Government, but this assumption may not be correct. Can the Chief Secretary clarify the statement attributed to the Minister of Lands?

The Hon. A. J. SHARD: Believing in the old adage that we can have too many cooks stirring the broth, I shall refer the honourable member's question to the Minister of Lands, who is in charge of drought relief, and bring back a reply as soon as possible.

The Hon. A. M. WHYTE: This morning's *Advertiser* contains a report stating that a 50 per cent freight rebate, together with a rebate of road maintenance tax, will be given when stock is being shifted from drought areas. Can the Minister of Transport say whether this applies to an area or merely to an individual who is registered for drought relief?

The Hon. A. F. KNEEBONE: The only matter that concerns me is the 50 per cent freight rebate on the cartage of fodder or water for drought purposes: rebates of road maintenance tax is a matter for the Minister of Roads. The Government has agreed to give freight rebates, and it will be a drought relief matter. With freight rebates, the position has always been that the farmer concerned has paid the full rate and then applied for a rebate.

However, the Minister in charge of drought relief will handle the matter. The situation will be not as reported in the newspaper but that the farmer will pay the 50 per cent rate immediately and the drought relief authorities will take care of the remainder.

The Hon. A. M. WHYTE: Will an area declared to be a drought-stricken area or will a person in that area have to apply for drought relief be eligible for rebate? Will a person shifting stock from the area automatically qualify for freight concessions?

The Hon. S. C. Bevan: Are you referring to road maintenance charges?

The Hon. A. M. WHYTE: Both rail and road concessions.

The Hon. S. C. BEVAN: The granting of rebates from road maintenance charges for carrying stock or fodder into or from drought areas when this cartage could not be handled by rail was referred to me only at 12.50 p.m. today. The matter is under consideration. There will be a rebate from road charges. The administration will be charged to the drought relief fund, which is controlled by the Minister of Lands. The fund will not be required to repay the amount of these rebates. A separate report will be made and forwarded in the normal way to the Minister of Lands for his consideration.

WATER CONSERVATION

The Hon. C. D. ROWE: I ask leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. C. D. ROWE: Unfortunately, because of the small amount of rainfall so far this year, we must do what we can to conserve water. The Government has embarked on a publicity programme encouraging people to use the water they need, but not to waste it. I was discussing this aspect with some constituents over the weekend, and they thought that further emphasis should be given to the proper use of water. One of them said it was unnecessary to water mature shrubs at all and that it was necessary to water lawns only at certain times. He believed we would achieve a reduction in consumption if people understood how much water various types of lawn and shrubs needed. Maybe this matter has been publicized: I have been unable to listen to the broadcasts covering this matter, but it does seem to need attention. I am unaware how necessary it is to water a lawn or a shrub in order to keep it alive. Will the Chief Secretary have this matter considered?

The Hon. A. J. SHARD: I shall be pleased to do so. However, some publicity has already been given along these lines. Mr. Lothian, the Director of the Botanic Garden, has appeared on television programmes at least twice in connection with this matter. I understand there has been press publicity, which we are apt to miss. Honourable members know where I stand regarding the education of the public on this important matter. I shall be happy to take up this matter with the Minister of Works to see whether anything further can be done.

BERRI CHANNEL

The Hon. R. A. GEDDES: I ask leave to make a short statement prior to asking a question of the Minister of Local Government, representing the Minister of Irrigation.

Leave granted.

The Hon. R. A. GEDDES: A 4ft. wide subsidiary irrigation channel, which is filled with water every two weeks, passes the front of the Greek Orthodox Church on the Sturt Highway at Berri. Parents have expressed concern that while they are attending functions inside the church the lives of their children playing outside could be in danger. I have personally examined this problem, and I request the Minister to ask his colleague that, in order to prevent accidents, he consider having this channel covered.

The Hon. S. C. BEVAN: I will refer the matter to the Minister of Irrigation and obtain a reply for the honourable member as soon as possible.

STATE ELECTION

The Hon. C. D. ROWE: I have heard a persistent rumour that an early State election is likely. Although I do not ask the Chief Secretary to comment on that statement, I should be delighted if he did so. As a former Minister who had something to do with the administration of the Electoral Department, I ask whether the Government has considered the administrative difficulties that would arise if the State election and the Commonwealth election took place at the same time.

The Hon. A. J. SHARD: I do not blame the honourable member in this matter, for I know that people have a habit of flying kites and that the press has to get something sensational. I do not know who started this rumour, but the Government just laughed at it. I believe that constitutionally a State election and a Commonwealth election cannot be held on the same day. People would run into

enormous difficulties and frustrations if that happened. The Government has no intention of holding the State election on the same day as the Commonwealth election is held.

FIRE BANS

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question of the Minister representing the Minister of Agriculture.

Leave granted.

The Hon. M. B. DAWKINS: My question relates to the early onset of summer and dry fodder conditions in areas that in normal times would be expected to be green for another three months. I heard an announcement only this morning that there was no ban on the lighting of fires today. This was followed by a statement that before lighting fires people should check with the local district council. The announcement that no fire ban was operating today was then repeated. I think that is the statement that is taken notice of by the unthinking person who, perhaps, does not think to check with the district council: the thing that hits him in the eye is that there is no fire ban today.

As in the Williamstown, Mount Torrens, Birdwood and Mount Pleasant areas in my district and in many parts of the Southern District fire could be a hazard much earlier than usual, will the Minister ask his colleague to reconsider the way in which these announcements are made? I consider that the announcement of a fire ban should be broadcast but that broadcasting the statement "No fire ban today" is not necessary. I suggest that the Minister consider broadcasting fire bans only when a ban is applied.

The Hon. S. C. BEVAN: I shall refer the matter to my colleague.

EFFLUENT

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question of the Minister of Labour and Industry representing the Minister of Works.

Leave granted.

The Hon. L. R. HART: The following is an extract from this morning's *Advertiser,* under the heading "Bolivar Water in New Year":

The first supplies of effluent water from the Bolivar sewage treatment works would probably be available early next year, the Director and Engineer-in-Chief of the Engineering and Water Supply Department (Mr. H. L. Beaney) said yesterday. He said the Government was not planning to set up an irrigation area itself, but intended to make the water available for private development. "The water is there and people just have to take it," he said.

In view of the shortage of, and the urgent need for, water in this State at present, especially for irrigation, will the Minister ask the Minister of Works in another place if supplies of effluent water from Bolivar can be made available at an earlier date than that indicated by the Engineer-in-Chief of the Engineering and Water Supply Department? I point out that many of the people who are in a position to use this water for irrigation have no alternative supply at present.

The Hon. A. F. KNEEBONE: I shall discuss the matter with my colleague.

ELECTRICITY TRUST LOAN

The Hon. C. R. STORY: Has the Chief Secretary a reply to my question of Thursday last concerning press advertisements in connection with the Electricity Trust loan, with particular reference to the provincial press?

The Hon. A. J. SHARD: The Electricity Trust has in the past often booked space in country newspapers for its loan advertisements only to find that the loan had filled before the paper was published. As it is impossible to tell beforehand how long the loan will take to fill, it was decided on this occasion not to arrange for country advertisements.

MENTAL HEALTH ACT AMENDMENT BILL (CRIMINAL DEFECTIVES)

Read a third time and passed.

PHARMACY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 25. Page 2972.)

The Hon. JESSIE COOPER (Central No. 2): The recommendation contained in this Bill is the result of the examination of the problem arising from the divergent views expressed in the teaching of pharmacy and of decisions made by the Council of the University of Adelaide and the Institute of Technology. In his statement recommending this Bill to the Council, the Chief Secretary said:

Under new arrangements entered into between the Commonwealth and the States, following recommendations of the Martin Committee on Tertiary Education, the Institute of Technology has become a "college of advanced education" and will eventually sever its present connection with the University of Adelaide.

It was envisaged by the Martin committee that the awards of colleges of advanced education be known as diplomas and that the term "degree" be limited to awards by universities. This view has been endorsed by the Commonwealth and the States generally, and its adoption has been pressed by the Commonwealth as an integral part of its agreement to share in the future with the States the costs of colleges of advanced education in much the same manner as it has shared for a number of years the costs of universities.

This is primarily a matter of finance. With more and more technologies and sciences coming before us, in addition to the classical academic subjects there will undoubtedly be many differences of opinion as to diploma and degree requirements in the various categories in modern and ancient knowledge. It is natural that every person in the community, be he (or she, since last week) a plumber or a musician, an electrician or a pharmacist, should wish for, should aim for and attempt to get the highest possible status or recognition in the community for his or her calling. In this particular matter of pharmacy, we are being asked to recognize and to record officially the fact that the Diploma of Pharmacy, as given by the Institute of Technology, is of sufficiently high standard to provide well qualified pharmacists in South Australia. We are assured of this by both the Institute of Technology and the University of Adelaide. This is a highly technical matter which we ourselves are not perhaps qualified to judge but about which we must accept the advice of the people in whose hands Parliament has placed the responsibility of devising appropriate courses.

The only thing I am afraid of is that, if we look into the history of the establishment of the teaching of pharmacy in this State, it does not give us grounds for one iota of confidence. It has taken 16 years to get to the stage in which we are at the moment, to a degree in pharmacy at the University of Adelaide. In the hope that I do not weary the Council, I shall now give a chronological list of events. It started back in 1951, when Professor MacBeth called for the establishment of a degree in pharmacy. Three years later the Board of Studies in Pharmacy formed a committee to investigate the establishment of a degree. Four years later, the Education Committee of the University of Adelaide discussed the possibility of transferring pharmacy to the Faculty of Technology as a degree.

Two years later, in 1960, the Board of Studies recommended that the diploma be discontinued and a degree established. So it took nine years to get as far as a recommendation. In that same year (1960) the standing subcommittee of the Education Committee recommended, first, that a degree in pharmacy be not taught in the university; and, secondly, that the Vice-Chancellor investigate the possible transfer to the South Australian Institute of Technology. So that was quite different.

In 1961 the Committee of the Council on Bedford Park resolved:

To recommend that pharmacy be not included as a foundation member at Bedford Park in 1966. This would not, however, preclude later consideration of the question of teaching pharmacy at Bedford Park, whether at Bedford Park, whether at degree or diploma level, in subsequent level.

In other words, Flinders University does not come into this discussion at the moment. In 1962 the Board of Studies recommended four things: (1) that a degree in pharmacy be established; (2) that subject to certain safeguards the Pharmacy Department transfer to the South Australian Institute of Technology; (3) that provision be made for higher degrees; and (4) that the degree be controlled by a joint faculty of the university and the South Australian Institute of Technology. Later in the same month, the University Education Committee recommended that the university council approve of those four recommendations of the Board of Studies. Still later that month, the council of the university approved the above recommendations in principle after the South Australian Institute of Technology council had agreed in principle to the transfer. The university council authorized negotiations for the degree and transfer to proceed.

In August, 1962, the Board of Studies presented schedules, syllabuses and regulations for a higher degree to be known as B.Pharm., together with recommendations on higher degrees. In April, 1963, both councils agreed on the teaching of first year degree subjects. The following month the Education Committee recommended the establishment of higher degrees and, in November, 1963, the ordinary degree in pharmacy was approved by the University Senate. So it had taken 12 years to reach that stage. It is a slow process.

The Hon. A. J. Shard: When was that?

The Hon. JESSIE COOPER: November, 1963. In that month, the Education Committee's recommendation on higher degrees was approved by the University Council. The establishment of the ordinary degree was recommended in 1963; now we are going on to the higher degree. In May, 1964, the

Faculty of Technology and Applied Science approved these last recommendations, but in November of that year the South Australian Institute of Technology council vetoed the university council's recommendation on higher degrees.

We now come to the position that at the beginning of 1965 there was a memorandum from the Board of Studies to the President of the South Australian Institute of Technology urging acceptance of higher degrees. There were delegations to the President, consisting of Professor Clark-Lewis, Professor D. Jordan and the Presidents of the Pharmacy Board and Pharmaceutical Society. In March, 1965, the ordinary degree started. From then on there was agitation for the higher degrees. In November, 1965, there was a delegation with submissions to the Minister of Education on higher degrees by the Presidents of the Pharmacy Board and the Pharmaceutical Society. Then there was an approach to the Attorney-General by the President of the Pharmaceutical Society and also a councillor of that society concerning higher degrees. In September, 1966, there was a decision by the Institute Council to establish a diploma course in pharmacy and to phase out the degree course from 1971, that is, at the end of this triennium.

What I mean when I say I have a lack of confidence in the way this has been handled is that right through this agitation to establish a degree course it was obvious that pharmacy was one of those subjects which would come under the recommendations of the Martin report and that it would become an Institute of Technology course, not a degree course. The Martin report, which is a report by a committee on the future of tertiary education in Australia to the Australian Universities Commission, was presented in 1964. So, surely the decision should have been made between August, 1964, and March, 1965, when the degree was established. The Martin report was ordered to be printed in April, 1965, so people interested in it should know what it contained.

However, we are now in a position where we must accept the decision of the Australian Universities Commission and the Institute of Technology that the teaching for the diploma is of the standard they say it is. What worries me and, I am sure, other members is this: what will happen to pharmacists who come in under the diploma course? Are they to be matriculants, or not? When they have received the diploma of the Institute of Technology, instead of a degree, will they be acceptable at say, the Sydney University, where there is a higher degree course in pharmacy, so that they can take up research and perform other higher duties, such as teaching pharmacy? Does the Government know where it is going?

It appears that we shall have a couple of years of students with degrees, and then no more. What penalty, if any, will be suffered by people who follow? I shall be glad to have assurances on these questions from the Minister. In the meantime, I recommend that those to whom we have given the authority to act in this matter be agreed with, and that those to whom these authorities give a diploma should be accepted by us as qualified pharmacists. This is all that the Bill seeks, and I must therefore support it.

The Hon. F. J. POTTER (Central No. 2): It may seem rather absurd to say this, but, frankly, I do not like this Bill. However, this does not mean that I shall not support it. The Bill seems innocuous, but I deeply deplore the circumstances that gave rise to the need for the Government to introduce it. I do not believe the Bill is necessary at this time. It could have been postponed for 12 months without making the slightest difference to the situation; I am sure such a postponement would have allowed more time and thought to be given to the situation that gave rise to the Bill.

The Bill does nothing except to allow the Pharmacy Board to register persons with the diploma of the Institute of Technology (if and when this diploma comes into existence) as being persons authorized to operate as pharmacists in South Australia. We must look behind the scenes and find out why it is necessary, because a degree in pharmacy already exists at the University of Adelaide. Ordinary degrees and higher degrees in pharmacy are at present available at the Sydney and Queensland Universities; the Victorian Government recently made it clear that it would grant a degree in pharmacy for the course to be taught at the Victorian College of Pharmacy under the auspices of the Victorian Institute of Colleges.

It is a very unwise approach to this Bill to consider a pharmacist purely as the person who stands behind the counter in a chemist's shop and dispenses medicines, tablets and patent medicines. If this was the only kind of

pharmacist in our community I would not object to this Bill; I do not think it matters very much that this kind of pharmacist is qualified only at diploma level, because this is all that is necessary for a retail pharmacist. However, I must add that I should like to see everybody aspire to a higher and wider degree course.

The truth of the matter is that the study of pharmacy has been greatly upgraded in recent years; this afternoon the Hon. Mrs. Cooper indicated the steady but sure progress over a long period in the building up of this course to degree status. It is a shame to think that 12 or 16 years' effort has been spent in doing so, and now it will all be knocked on the head within a few minutes, because that is what this Bill will do. The impending loss of degree status for pharmacy studies in South Australia is a shame. Furthermore, we should realize that this will not happen until the end of 1971; this makes it all the more strange that we should be worrying about this matter now.

The Hon. A. J. Shard: Some students could take advantage of it next year.

The Hon. F. J. POTTER: I am not sure of this. I do not know whether it is intended by the Institute of Technology that the course will be instituted next year.

The Hon. A. J. Shard: It is.

The Hon. F. J. POTTER: This reminds me that two bodies are involved. The loss of degree status for pharmacy in South Australia is a retrograde step, because it will place pharmacists at a distinct disadvantage in relation to graduate pharmacists from Queensland, New South Wales and Victoria. The purpose of graduate status for pharmacists is not that they may enter retail establishments but that they may enter pharmaceutical industries and engage in research projects in major public hospitals.

The Hon. R. C. DeGaris: What proportion goes into that field?

The Hon. F. J. POTTER: I do not know. I think an increasing number has been going into this field.

The Hon R. C. DeGaris: I think it was 60 per cent last year.

The Hon. F. J. POTTER: It appears that 60 per cent is seeking to enter forms of activity higher than that of the retail establishment. A few years ago an oversea corporation contemplated starting a plant that would employe graduate pharmacists in the Barossa Valley, but it had to abandon this project. Not long ago in Adelaide a manufacturer of intravenous fluids stated it would accept only graduate pharmacists. That, in itself, is an important aspect of this matter. The other important aspect is that, if the diploma course is introduced and it is the only course available for pharmacists after 1968, people who are studying in that course will be precluded from going in for higher degrees. They may, in fact, be precluded from going into any degree course at all. I understand that the science faculty at the University of Adelaide will accept persons with the Bachelor of Pharmacy degree to go on and do work for the Master of Science degree but, of course, it will not be able to accept for that higher degree work anybody who is holding only a diploma. The prerequisite for a higher degree in the university is a bachelor's degree, and this will not be available.

If, in fact, the Institute of Technology is going to accept people into the diploma course who have not matriculated, those people will be precluded from going from their course at the Institute of Technology to some other degree course at the university that would link up with their pharmacy training. It has been suggested by the Minister that the pattern of the work being done at the Institute of Technology and at the University of Adelaide is about on a par. I do not agree with this. I think that if anybody looks at the syllabus of the Bachelor of Pharmacy degree compared with the old diploma that was available one can see that there is no parity between the present degree course or the old diploma course or, indeed, the proposed diploma course at the Institute of Technology. Perhaps parallel courses are available in courses such as engineering and, in some cases, science, but this is definitely not true of the pharmacy course.

In his second reading explanation the Minister stated it was envisaged by the Martin Committee that the awards of colleges of advanced education be known as diplomas and that the term "degree" be limited to awards by universities, that this view had been endorsed by the Commonwealth and the States generally, and that its adoption had been pressed by the Commonwealth as an integral part of this agreement to share in the future with the States the cost of colleges of advanced education in much the same manner as it shares the

costs of universities. This is one of the important aspects of this matter, but I do not think it is true that what the Martin report said applied to the study of pharmacy, because in that report specific mention was made about pharmacy. Page 116 of the second volume of the Martin report states:

The granting of pharmacy degrees by universities in some States has led to submissions to the committee that the award of qualifying certificates or diplomas for non-university courses of comparable standard could be interpreted as denoting a lower level of training. This would possibly make such courses less attractive to students and, in competitive selection for appointments, could lead to inequitable treatment of pharmacists who are not holders of university degrees. The committee feels that there are grounds for these implications and, while not suggesting that uniformity in the designation of awards for courses of unequal status is desirable, it considers that, where possible, the position should be rectified. It therefore suggests that a degree could be awarded by institutes of colleges for the approved courses of those institutions which have qualified for membership.

This brings me to the real point at issue. I think the University of Adelaide would be perfectly happy to continue with the degree of Bachelor of Pharmacy if it had the necessary money that was supplied by the Commonwealth Government through the Universities Commission for this work and if it were able to absorb the work of this department or faculty. We know that the university is very overcrowded at the moment; indeed, it had to ask the Institute of Technology to help out with what was virtually a service course for this degree, as it also helped with the Bachelor of Technology degree for some years. The Institute of Technology, I think somewhat grudgingly, decided that it would help out in this way with pharmacy as a service course and, indeed, it has done this for the last two years. However, I do not think that the institute really wanted to do this and I do not think that pharmacy is really the kind of course that fits in very well with its general structure as a college of advanced education.

Indeed, I think we will have trouble not only with pharmacy but also with the other paramedical courses such as physiotherapy and optometry. I think the answer to the problem is for the State Government, whatever its political colour, now or in the future to get right behind the idea of setting up in the State an institute of colleges of advanced education just as Victoria is proposing to do. This institute will, we hope, have power to award degrees. This is the development we ought to be aiming for in this State. It is interesting to note that in the Victorian Parliament on October 17 the Minister of Education was asked whether the Government still intended the Victorian Institute of Colleges to grant degrees. He replied:

Yes, the Victorian Institute of Colleges Act, 1965, makes reference to degrees and gives the Council of the Institute power to make Statutes concerning courses and examinations related to degrees.

He went on to talk about the discussions currently taking place with the Commonwealth Government and concluded by saying that the recent keen interest displayed by the Wark Committee in the development of advanced colleges of education augured well for the future of these institutions and their recognition as degree-granting bodies. I think that is the answer to the problem here as far as pharmacy and the degree status is concerned. I think it is important that we have this degree status. It has been worked on for a long time. It is important we do not become relegated to a kind of Cinderella State as far as this course is concerned. We want to be able to maintain a level of education the same as that in other States and we want at a fairly early date to have an institute of colleges set up with the power to grant degrees and to take over this work, for which it would be admirably suited, and probably several other courses that are currently under consideration by the university. It is unfortunate that we have this situation, which is, I think, the result of the Simpson Committee, which said, "Only universities can grant degrees" (I think the Commonwealth Government has been backing up this idea) "and institutes can grant only diplomas." It has not considered the whole position and I know that some leading people in the pharmacy profession and industry in this State are most disturbed that this Bill is going through Parliament at this time, because they have had no opportunity to consult the Government and the universities and to put the arguments for the retention of this degree that they would like to put.

The worst aspect of this Bill (which, in itself, is quite innocuous, providing only an additional recognition) is that, once we put it there, it is there, and it is just another hurdle that the people who are pressing for the retention of the degree status in pharmacy will have to overcome in their long fight to get it.

It is a shame. I do not understand why the Bill had to be introduced now and debated during the dying hours of this session; it could have been left until later. However, there is nothing in it that will cause me to vote against it. In fact, I would appear to be quite ridiculous if I did vote against it. At the same time, however, I do not like the precedent it sets and hope that two things will happen: first, that the Government (if not this one, then the next one) and my Party will quickly get behind the idea of setting up an institute of colleges in South Australia.

The Hon. A. J. Shard: We shall do it, if we are returned.

The Hon. F. J. POTTER: It is important not only for pharmacy but also for other courses; and, secondly, I hope that the pharmacy profession and industry will not be downhearted about this Bill but either will continue to press for the retention of the degree status at the new institute of colleges or may be able to persuade Flinders University to do something about it. I know there are difficulties at the University of Adelaide because of the tight staffing position and the numbers of students there. I do not like the Bill but will support the second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Chief Secretary said that this amendment was necessary because of a changing pattern of tertiary education throughout Australia. This is generally true, but I doubt whether it is true concerning pharmacy. Degrees and higher degrees are taught in the Sydney and Brisbane universities, and the Victorian Government made it clear that it would grant a degree in pharmacy at the Victorian College of Pharmacy, which is conducted under the auspices of the Victorian Institute of Colleges. The Martin committee envisaged that awards of colleges of advanced education should be known as diplomas, and the term "degree" should be limited to awards by universities. At page 116, paragraph 13.42 of that committee's report states:

The granting of pharmacy degrees by universities in some states has led to submissions to the committee that the award of qualifying certificates or diplomas for non-university courses of comparable standard could be interpreted as denoting a lower level of training. This would possibly make such courses less attractive to students and, in competitive selection for appointments, could lead to inequitable treatment of pharmacists who are not holders of university degrees. The committee feels that there are grounds for these implications and, while not suggesting that uniformity in the designation of awards for courses of unequal status is desirable, it considers that, where possible, the position should be rectified. It therefore suggests that a degree could be awarded by Institutes of Colleges for the approved courses of those institutions which have qualified for membership.

It is important that we should develop in South Australia a system similar to that operating in Victoria. I should like the Chief Secretary to elaborate on the question dealt with in the second reading explanation when he stated:

The introducion and timing of the diploma courses and the cessation of enrolments for comparable degree courses are being undertaken in accordance with detailed assurances given by the State and the Commonwealth.

This measure seems to have been hastily introduced; at the end of a session legislation is being introduced that will probably not operate until the end of 1968.

The Hon. A. J. Shard: It will operate and be effective in 1969. They will be accepted for their degrees in 1969.

The Hon. R. C. DeGARIS: I agree. The Chief Secretary continued:

The State has also given an assurance that no new enrolments for the degree course in pharmacy will be accepted after 1969 . . .

Perhaps the Chief Secretary would like to enlarge on this matter.

The Hon. A. J. Shard: I know the reason why.

The Hon. R. C. DeGARIS: I support the Bill.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for their attention to the Bill. I was interested to hear the long history of the attempt to make possible the conferring of pharmacy degrees; it comes back to the Australian Universities Commission and the Martin report. It was stated that pharmacy could not continue as a university degree course and that it should be studied in the advanced colleges at diploma level. I think it was early in 1966 or thereabouts that discussions were held between the Australian Universities Commission, the Commonwealth Government and the State Governments.

I realize that I said previously there would be no amendments to the Pharmacy Act, and I said this in good faith. However, this Bill had to be introduced this session in order to keep faith with the Commonwealth Government because, during the negotiations for university finance, an undertaking was given by the Treasury officials and the Premier of the

day that legislation would be introduced for phasing out the degree and bringing in the diploma, and that this process would commence on January 1, 1968. The Treasury officials believe it is most important—and I agree with them—that the South Australian Government should abide by its undertaking to the Commonwealth Government. This is the only reason why the Bill has been introduced at this stage.

I discussed this matter with my Cabinet colleagues, and we believed we must keep faith with the Treasury officials who discussed university finances with the Commonwealth Government. We do not want the Commonwealth to be able to say "You do not keep your word." I told the officials of the Pharmacy Board that, if they put up a case next year for the new paramedical scheme, I would be receptive to their viewpoint. I do not agree that we should force people to take a course of lower standard if it is at all possible to help them to reach a higher standard. Considering all the circumstances, I think we have done the right thing.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Persons entitled to be registered."

The Hon. R. C. DeGARIS: Can the Chief Secretary say whether anybody other than a matriculant can do the diploma course?

The Hon. A. J. Shard: I believe that that is the position.

The Hon. R. C. DeGARIS: A person who has not matriculated will be able to do the diploma course?

The Hon. A. J. Shard: I understand that that is the position.

The Hon. C. D. ROWE: I do not know whether the diploma course has been set yet and whether it will take the same number of years as that taken by the university course. This will affect those who get through.

The Hon. A. J. SHARD: I think this matter was dealt with in my second reading explanation. My understanding of the correspondence is that it will run parallel to, if not equal with, the university course.

Clause passed.

Title passed.

Bill read a third time and passed.

SHEARERS ACCOMMODATION ACT AMENDMENT BILL

In Committee.

(Continued from October 26. Page 3084.)

Clause 3—"Exception"—to which the Hon. G. J. Gilfillan had moved the following amendment:

In new paragraph (*a*) of section 3 to strike out "three" and insert "four".

The Hon. G. J. GILFILLAN: I explained last Thursday that this clause will have a wider application than was originally intended by the architects of this Bill. The word "shearers" also covers those working in the shed, except permanent employees on the property. The clause as it stands, specifying three shearers, will bring within the ambit of this Bill all sheds, including small crutching sheds that are used extensively on larger properties and where the landholder owns land in several lots spaced some distance apart. Crutching teams often comprise two shearers and a shed hand. My amendment provides a realistic approach to this matter.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I do not agree with the honourable member's interpretation of "crutching". He is talking about crutching sheds, not shearing sheds; a shearing shed is different from a crutching shed.

The Hon. G. J. Gilfillan: I should have said "shearing sheds used for crutching sheep".

The Hon. A. F. KNEEBONE: As I mentioned in the second reading explanation, the Bill gives effect to requests made by the Australian Workers Union, which have been agreed to by the Stockowners Association of South Australia. The United Farmers and Graziers Association of South Australia, while not objecting to widening the scope of the legislation, suggested that the properties that should be exempted should be those where fewer than four shearers were employed. Although, as the Hon. Mr. Gilfillan has stated, "shearers" includes all people who work in the shearing shed, members of the employer's family and those normally employed on the property are exempted. In "two-stand" sheds where at least one other person is required to work, in many cases that assistance would be given by the owner or his regular employees.

Cabinet considered the representations made by the United Farmers and Graziers Association of South Australia that "four" be inserted instead of "three". However, as the amendment had been agreed to between the union and the Stockowners Association of South

Australia, it was considered this was a reasonable provision. I still think the honourable member is confused concerning shearing and crutching.

The Hon. L. R. HART: I support the amendment. The Bill brings within the scope of the Act a different category of shearing sheds. A type of relationship exists between the employer and the employee in these small sheds that perhaps is not met in the case of larger shearing teams. Indeed, the facilities provided for these smaller teams are often probably far better than those provided for the larger teams, for in many cases the members of the smaller shearing teams virtually live as members of the employer's family. They dine in the homestead and probably use the homestead facilities for their bathing requirements. Often the employer provides the linen and the blankets for that accommodation, even though it is separate from the homestead. In fact, this accommodation is often used by the employer himself to accommodate his guests for whom there may not be room in the actual homestead.

I appreciate that these quarters may not comply with the Act, but they are not substandard quarters; often they are very good indeed. We must remember that in the small sheds the shearers may use these quarters for only one, two or three nights. However, under this Bill the employer will be forced to provide different quarters. The situations that could develop verge on the ludicrous. If the quarters I have referred to are not to be regarded as acceptable, all the employer needs to do is ask his family to go out and sleep in the shearers' quarters and get the shearers to stay in the homestead, where the conditions may not be any better than those in the shearing quarters. However, by doing this the employer could get around this Act. Failing that, if the employer was forced to provide other facilities he could quite easily build on to his own homestead a room which in between shearing times could be used as a rumpus room for the children.

The Hon. A. F. Kneebone: There is nothing in the Act that stops him from doing that.

The Hon. L. R. HART: During shearing periods that room could be used to accommodate shearers. There again, it may not comply with the Act, but as it is part of the homestead it is exempted under the Act. Rather than be forced into the position of having to supply new quarters for shearers who may be on a property for only a night or two, the employer may prefer to accommodate shearers at the local hotel. While some shearers may appreciate this, many would resent it because they like a little social life after their evening meal and they are able to get this on a property because they enjoy the company of the owner. Today, particularly with 10 o'clock closing, they would not be able to enjoy that sort of social life at a hotel without cost.

I think we should accept this amendment, for then we would be providing for what could be regarded as a true shearing team—a team of itinerant workers who live on properties for quite long periods of the year. Sometimes these people are in the large sheds for up to seven weeks, and in those circumstances it is only reasonable that suitable accommodation be provided. However, where a team is on a property for only one or two nights it is not reasonable that these conditions should always have to apply.

I also appreciate that there is power under the Act for an exemption to be given, and no doubt that could apply to the smaller properties such as those to which I have referred. Section 12 states:

> The Minister may, if special and unavoidable—

that might be difficult to get around—

> circumstances exist to prevent compliance with any of the conditions of proper accommodation prescribed by this Act, grant an exemption from any or all of such conditions for such period, not exceeding 12 months at any one time, as the Minister thinks proper, and may, if sufficient reason is shown, grant a further exemption for any period not exceeding 12 months.

Therefore, there seems to be provision for the Minister to grant exemptions. However, these exemptions are conditional, and they would have to be renewed every 12 months. This may be somewhat difficult under the conditions I have outlined. I believe that if we accept the amendment we shall be meeting the position half way. It would no doubt get over this problem of the shearers being required to crutch sheep in outstations.

The Hon. G. J. GILFILLAN: I have told the Stockowners Association of my amendment and I have had no objection from it. Although the association has agreed with the Bill in principle, as the Minister has said, I believe it would prefer the rather wider interpretation incorporated in my amendment. For the Minister's information, shearing sheds and crutching sheds are virtually the same. Some

small sheds are spaced around large properties and are used for crutching. In some instances they are purely shelters, but sometimes sheep are shorn in them. It may be that the rams are shorn there at crutching time, or perhaps the lambs are shorn there when there are seeds in the springtime.

The difference between shearing sheds and crutching sheds is only a matter of the terms used. Crutching is, in effect, the shearing of wool. The term is used in the shearing award. This is part of the shearing shed. A crutching shed is defined as such because it is used for that purpose. However, it is a small shed where crutching takes place or where any incidental shearing is done. The people working in the shed may be there for only one or two days, as crutching is normally a quicker process than shearing. This work is done usually by small groups of shearers, not by the property owner or his family. Often members of the owner's family or staff are engaged in bringing in or taking out the sheep. This is a full-time job, particularly in the more arid regions.

The Hon. A. F. Kneebone: Wouldn't that be work connected with shearing?

The Hon. G. J. GILFILLAN: Yes, but this would be in addition to the work done in the shed: it is droving. The provision in the amendment is more realistic than that in the clause as drafted. It covers practically all instances where general shearing takes place, with the exception of very small sheds where shearers may be present for only a day or two.

The Hon. Sir Norman Jude: Where portable plants are used.

The Hon. G. J. GILFILLAN: Yes. In some districts two shearers work together with a portable plant that they fit up in the shed. This often applies in the sheds used for crutching. The plant may belong to the property owner or to the shearers.

The Hon. L. R. HART: A shed, particularly in the inside country, might employ three or more shearers but the employer might accommodate only one or two, and the employer could come within the scope of the Act. Will the Minister say whether the clause relates to the number employed or the number accommodated?

The Hon. A. F. KNEEBONE: I believe some of the things the honourable member has said were facetious and far-fetched. If shearers are employed, accommodation must be provided: otherwise, a person employing shearers could say, "I want a three or four-man shearing team but I will accommodate only two of them." By doing this he could escape the provisions of the Act.

The Committee divided on the amendment:

Ayes (15)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan (teller), L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone (teller), and A. J. Shard.

Majority of 11 for the Ayes.

Amendment thus carried; clause as amended passed.

The Hon. A. M. WHYTE: I move:

In paragraph I inserted by subclause (*a*) to strike out "one year" and insert "two years".

The pastoral industry is sorely taxed at present because of the low price of wool and the severe drought. I am sure the industry cannot at such a time afford the expense of improving shearers' accommodation. I consider 12 months an insufficient period in which to comply with these provisions.

The Hon. A. F. Kneebone: It would be 18 months, not 12 months.

The Hon. A. M. WHYTE: I thank the Minister for that information, but I wish to continue with my amendment.

The Hon. A. F. KNEEBONE: I would have thought 18 months was sufficient.

The Hon. R. A. Geddes: The amendment is not unreasonable, is it?

The Hon. A. F. KNEEBONE: The honourable member knows that I have great sympathy for the farming community, and I hope that they have sympathy for the Government in its present position as brought about by the drought. Therefore I do not oppose the amendment.

Amendment carried.

The Hon. A. M. WHYTE: I move:

In paragraph IIa inserted by subclause (*c*), to strike out "one year" and insert "two years".

This is consequential on the previous amendment.

Amendment carried.

The Hon. G. J. GILFILLAN: I move:

To insert the following new subclause:

(e1) by striking out the passage "filled in each case with woolflock, flock or kapok" in paragrajh IId and

inserting in lieu thereof the passage "either filled with woolflock, flock or kapok or of a prescribed type or kind.

This Bill proposes to amend the provision in section 6 (2) IId, which provides:

Each shearer shall be provided with a clean and dry mattress and pillow filled in each case with woolflock, flock, or kapok and with a washable cover to the mattress and pillow. Mattresses supplied under this paragraph shall be approximately four inches in depth.

Since the 1958 amendment many new types of mattress have been introduced, and many of the new types are better and more hygienic than those prescribed, especially in these days of allergies.

The Hon. A. F. KNEEBONE: I accept the amendment.

Amendment carried.

The Hon. L. R. HART: Paragraph (*f*) deals with lighting. Can the Minister say what is meant by power lights? It is rather restrictive to require an employer to supply either electric light or power lights. Surely there are other lights that would be just as suitable?

The Hon. A. F. KNEEBONE: This envisages power lights that can be pumped up by a compressor, not a kerosene lantern.

The Hon. L. R. HART: But there are other lights. Today, with tubular steel furniture available, I see no reason why paragraph VIIc should not be deleted. As at present provided, we can stipulate those things by regulation. We should not retain a paragraph in the Act providing that we should supply seats made of sound timber and with a dressed surface. Alternatives should be permitted.

The Hon. A. F. KNEEBONE: I do not know what the honourable member is driving at. That provision is in the original Act. I thought we were far enough away from the present Bill already without going farther away.

The Hon. G. J. GILFILLAN: I move:

In paragraph XIb inserted by subclause (*l*) before "not" third occurring to strike out "bathroom or the washing room shall be situated" and insert "effluent shall be discharged by means of an enclosed drain or pipe at a point".

This amendment is self-explanatory. This provision was drafted with the idea of protecting the health of people using such accommodation, but in attempting to do this the clause has become ridiculous, because what really matters (the point of discharge of the water) is not mentioned. The Bill states that the bathroom or washing room must be at least 30ft. away from the sleeping quarters, which in many instances would cause inconvenience. Provided that the health aspect was satisfactorily covered, it would often be more convenient for the bathroom or washing room to be attached to the quarters. If accepted, the amendment will mean that the only consideration will be that the effluent shall be discharged by means of an enclosed drain or pipe at a point not less than 30ft. from the sleeping quarters or the place where meals are being prepared or consumed.

The Hon. A. F. KNEEBONE: The amendment improves the intention of the clause. Therefore, I do not oppose it.

Amendment carried; clause as amended passed.

Remaining clauses (6 to 8) and title passed.

Bill reported with amendments. Committee's report adopted.

Bill read a third time and passed.

PETROLEUM (SUBMERGED LANDS) BILL

Received from the House of Assembly and read a first time.

The Hon. S. C. BEVAN (Minister of Mines): I move:

That this Bill be now read a second time.

It represents an important advance, not only by this State but also by Australia, in the exploration and exploitation of the natural resources available to our nation. The legislation now proposed is part of an Australia-wide scheme of legislation in which all States, the Northern Territory and the Commonwealth are involved. The purpose of the joint legislative scheme is to provide a comprehensive and practical set of laws to govern and control the exploration for, and the exploitation of, the petroleum resources of submerged lands adjacent to the entire Australian coast.

As the long title discloses, the Bill relates only to submerged lands adjacent to the coasts of this State, but it is an integral and essential part of the entire legislative scheme just referred to. Much of the legal and constitutional background to this Bill has already been presented to this Council in the White Paper (P.P. 70) *A Survey of the Problems concerning State and Commonwealth Legislation with respect to Offshore Petroleum*, but it will be convenient to restate briefly the reasons why the Bill is necessary and why it takes the form it does.

Recent discoveries have confirmed what has been long known, that there are likely to be, in the Australian continental shelf, natural resources of great value to Australia in general and to our State in particular. The continental shelf, speaking generally, refers to the sea-bed and subsoil of the submarine areas adjacent to the coast to a depth, in any event, of 200 metres (that is, slightly over 100 fathoms) and beyond that limit to where the depth of the sea admits of the exploitation of the natural resources to be found there: it also refers to the sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands. From an international point of view the continental shelf begins only outside the area of the territorial sea, but the Bill deals with both the continental shelf area and the area of the territorial sea—in the Bill (as we shall see) the term "adjacent area" comprises both these areas. I should here make plain that the Bill has nothing to say about inland waters (which include both Spencer and St. Vincent Gulfs): inland waters are, in the contemplation of the law, part of the undisputed territory of this State.

By an international agreement (the Geneva Convention on the continental shelf of April 29, 1958) to which the Commonwealth of Australia is a party, Australia, as an international State, exercises sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources. These rights are exclusive in the sense that if Australia does not explore or exploit for that purpose, no other country may lay claim to do so without Australia's permission. Of course, by general principles of international law, Australia has similar rights to explore the sea-bed and subsoil of the territorial sea areas and exploit their resources.

Although all these rights are conferred upon Australia by international law, it is left to the various domestic Parliaments to pass laws to give effect to those rights and to authorize, regulate and control the vast, expensive and difficult undertakings of offshore mining for petroleum. But it is at this stage that difficulties arise. The Governments of Australia work under a federal system whereby, speaking generally, certain legislative powers are vested in the Commonwealth whilst the remainder are left with the States. When the whole question of legislating for offshore petroleum was first examined by State and Commonwealth Ministers and officers some four years ago it was discovered that there was disagreement as to whether the Commonwealth or the States had the power to pass the necessary legislation. After considerable discussion, certain conclusions were reached:

(1) It was essential that whatever legislation was passed should be incontestably valid from a constitutional point of view. Operators would not risk outlaying millions of dollars upon mining operations unless the authorities (that is, the licences, permits and so on) under which they operated were unchallengeable in law.

(2) If there was any doubt as to the constitutional power of the Commonwealth, on the one hand, or of the States, on the other, to pass the necessary legislation, it would be useless to leave to the Commonwealth alone or to the States alone the task of passing that legislation, because whatever understanding Governments might reach on the subject, an understanding of that kind could not prevent third parties from challenging the constitutional validity of any laws that were made.

(3) It was essential that Governments should be empowered by appropriate executive action to protect operators against outside intruders—that is, rival or "pirate" operators who came from some foreign country, who owed no allegiance to Australia and who would probably regard themselves as exempt from its laws.

(4) It was highly desirable that the administrative control of mining for petroleum should be decentralized and left with the States (and the Northern Territory), which hitherto had severally exercised control over all mining.

(5) At the same time, even if administrative control was left with the States and the Northern Territory, it was necessary to ensure that the laws governing offshore mining should be substantially uniform, and that the Commonwealth would continue to discharge the responsibilities in respect of those heads of power which had been conferred upon it by the Commonwealth Constitution and which were peculiarly matters of Commonwealth concern.

(6) If administrative control was to be left substantially with the States and the

Northern Territory it was necessary to allocate appropriate offshore areas for which each State and the Northern Territory respectively would be responsible. But, if areas were to be allocated, boundaries for those areas had to be established.

(7) As charges in the nature of royalties would be inevitable, it was necessary to lay down some basis for the disposition of royalties.

(8) The whole legislative scheme would have to be made to fit in with the general law of the land and to confer on offshore mining operations the same peace, order and good government generally as appertained to the community on shore.

An examination of these broad aims, which began some four years ago, suggested to Ministers and officers that the only safe method by which those aims might be secured was for the Parliament of the Commonwealth and of the States to pass Acts which, apart from formal and transitional provisions, were in all essential respects identical: the Commonwealth legislation would "mirror" that of the States (and *vice versa*). The legislation so enacted would provide a Common Mining Code based upon all the constitutional resources available both to the Commonwealth and to the States: in the result any permit, licence or authority would be subject to substantially uniform conditions and regulations and be issued pursuant to both State and Commonwealth legislation, so that its holder could rest secure in the knowledge that the power to grant such an authority must exist and his authority must be valid. The legislation would also seek to achieve all the other aims just referred to.

The whole project envisaged (comprising as it did the introduction of substantially uniform Bills in the Commonwealth and State Parliaments, the subsequent administration of the resulting legislation if the Bills were duly passed, the review and co-ordination of administrative decisions and policies and a continuous mutual understanding on such important matters as amendments to Acts and regulations, the refinement of crude petroleum, trade and commerce among the States, unit development of petroleum pools extending from one adjacent area to another and Commonwealth constitutional responsibilities affected by the legislation) could not be covered or covered completely by the legislation. It was therefore necessary to conclude a multilateral agreement between Commonwealth and States governing these matters. That agreement has been laid upon the table and distributed to honourable members. It will be referred to again later.

With the Commonwealth-States agreement (which was executed on October 16, 1967) I have furnished to honourable members a map by which an idea of the various offshore adjacent areas can be obtained. It should be particularly observed that the map shows the outer limits of the areas: under the Bill the adjacent area in respect of South Australia (as with other States) covers the area shown to the extent only that that area includes areas of territorial waters and areas of superjacent waters of the continental shelf. I shall return to the question of the adjacent area later.

The Hon. Sir Arthur Rymill: What does "superjacent" mean?

The Hon. S. C. BEVAN: I shall tell the honourable member afterwards. From these preliminary remarks honourable members will understand that the main features of the joint scheme and of this Bill, which forms part of it, are:

(1) The implementation, with respect to the entire Australian continent, of the Geneva Convention of April, 1958, in so far as it extends to the exploration and exploitation of offshore petroleum resources;

(2) A determination on the part of the States and the Commonwealth, in the national interest, to avoid constitutional controversy and to co-operate for the purpose of ensuring the legal effectiveness of permits, licences and other authorities to explore for and to exploit offshore petroleum resources;

(3) An agreement between the States and the Commonwealth to submit appropriate legislation to their respective Parliaments and to co-operate in its administrations;

(4) The adoption of "mirror" legislation as the basic method of law making and the establishment of a Common Mining Code for the whole of Australia; and

(5) A continuance of the principle of decentralized administration of mining—that is, State administration—subject to an adequate recognition

of Commonwealth responsibilities towards the Australian nation as a whole.

Turning now to the actual terms of the Bill, it begins with a long title and a series of recitals which summarize the foundations, the purpose and the principles of the Bill already discussed. The text of the Geneva Convention referred to in the second recital forms the First Schedule to the Bill. Clause 1 gives the short title and clause 2 provides for the coming into operation of the Bill by proclamation either all at once or Part by Part.

Clause 3 gives a bird's-eye view of the Bill. I shall refer briefly at this stage to its various Parts. Part I contains some important preliminary clauses, including a definition clause (clause 4), a reference clause (clause 5) and several other clauses relating to the operation of the Bill that will require separate examination. Part II, headed "Application of Laws" provides for the extension of the ordinary laws of the State to offshore mining for petroleum. This, too, will require separate examination. Part III, headed "Mining for Petroleum", has been, throughout the Conferences leading up to the presenting of this Bill, and is in the agreement which I have just referred to, called the Common Mining Code. This description extends to Divisions 1, 2, 3, 4, 5, and 6.

Division 7 varies from State to State and covers the transitional provisions, and Division 8 relates to the fees for registration and the like and the royalties payable by the operators. The Common Mining Code is identical in all States from clauses 19 to 136, inclusive. This similarity makes for ease of adminstration as between the Commonwealth and the State on the one hand and as between neighbour States on the other. Part IV is confined to the regulation-making power. Clause 4 is the definition clause. Only four definitions at this stage merit a separate reference. They are:

"adjacent area", which is linked with the description in the Second Schedule, which describes the area of administration responsible for the State of South Australia;

"petroleum", which gives an extended definition of that term;

"the continental shelf" which is linked with the definition provided by Article 1 in the First Schedule; and

"the Convention", which is the convention I have previously referred to.

Clause 5 contains several subclauses which provide convenient references to such phrases as the term of the permit, the renewal of the permit, the year of the term of the permit, which frequently appear at intervals throughout this Act. This clause enables the drafting of the Act to be greatly shortened. Clause 6 makes it clear that the Act and regulations operate in the space above and below the adjacent area or any part of that area. Clause 7 has a purely surveying significance and is expressed in terms that enable any qualified surveyor to work out a position on the surface of the earth for the purposes of the Act and the regulations.

Clause 8 makes it clear that the Act will apply to all natural persons, whether Australian citizens or not or whether resident in South Australia or not, and to all corporations, whether incorporated and carrying on business in South Australia or not; and subclauses (2) and (3) of that clause make it clear that the Parliament intends to exercise its legislative powers to the fullest extent permissible under the constitutional law.

Clauses 9, 10, 11 and 12 are all rendered necessary by the fact that the legislative scheme is based upon "mirror" legislation. It will be seen that these clauses will prevent a duplicating of operation in respect of obligations and liabilities; rights, privileges and powers; acts and omissions and offences. For example, where an obligation imposed by both the Commonwealth Act and the State Act has been discharged once, it is discharged for the purposes of both Acts (clause 9). Where a power is exercised once it is exercised for the purposes of both Acts (clause 10). Clauses 11 and 12 have a similar kind of operation.

Clause 13 is important. By amending the Mining Petroleum Act, 1940-1963, it confines its operations to the land territory of the State. Subclause (3), however, makes it clear that the Mining Petroleum Act, 1940-1963, still operates in the State's internal waters which, as I have already explained, included small bays and inlets and the two main gulfs, Spencer Gulf and St. Vincent Gulf.

Clause 14 is the principal clause of Part II. This clause, in effect, provides that the ordinary laws of the State will operate in the adjacent area in respect of all acts, matters, circumstances and things concerned with offshore mining of petroleum. This means that, speaking generally, the laws which establish, for the ordinary citizen, peace, order and good government will be extended to the offshore mining operations in exactly the same way as if those operations were taking place on land.

Subclause (3) contains certain necessary exceptions: the extended provisions cannot, of course, include laws which relate to exploration for the recovery of petroleum, laws relating to the construction or operations of pipelines, laws which are incapable by their very nature of application in the adjacent area, or laws which are expressed not to extend to the adjacent area.

Subclause (3) also makes it clear that clause 14 has nothing to say about provisions in any law of the Commonwealth which already operates in the adjacent area. Subclauses (4) and (5) provide essential powers to modify by regulation the laws which have been extended by clause 14, where the precise wording of those laws would provide an anomaly or some other wholly inappropriate operation, having regard to the fact that the laws are intended to operate at sea and not on land. The prime purpose of this regulation-making power is to enable appropriate modifications of the land laws to be made so that they can operate properly at sea. Clause 15, in effect, provides that the various procedures that are appropriate for legal proceedings on land will apply to proceedings in respect of offshore mining operations.

Part III, Divisions 2 to 6, contains the Common Mining Code. Division 1, headed "Preliminary", contains three clauses of great importance, especially clause 16. Clause 16 is really the administrative hub of the whole Act. Under this clause a designated authority is set up, who carries the entire responsibility for the administration of the Common Mining Code in South Australia. He is to be appointed by His Excellency the Governor (subclause (2)) and may be the Minister to whom the administration of this Act is committed. He will then be given the powers and functions that are to be defined in an arrangement which His Excellency the Governor is empowered (by subclause (3)) to make with His Excellency the Governor-General of Australia. Those powers and functions include the power to delegate all or any part of his duties as occasion requires. The designated authority appointed by His Excellency the Governor for the purposes of the State Act will also be the man who is appointed the designated authority for the purposes of the Commonwealth Act in respect of the adjacent area of South Australia.

In this way the one authority will be enabled to exercise all the powers, and perform all the functions, required of him by both the Commonwealth and this State's Acts. Everything he does will be done under and pursuant to Commonwealth and State legislation. Every discretion he exercises will be a discretion under the two Acts. Every authority he issues to conduct mining operations will be an authority issued under both Acts. Every condition he imposes will be a condition imposed pursuant to both Acts. It is through the single person, the designated authority, that the administrative aims of the joint legislative scheme are to be achieved.

Clause 17 is an important administrative provision. It provides that for the purposes of the Act the surface of the earth shall be deemed to be divided up into particular sections measuring five minutes of meridian one way and five minutes of longitude the other. Subclauses (2) and (3) deal with the exceptional cases which may occur, for example, as the result of an irregular coast line, where a block is constituted by something less than a complete graticular section.

Clause 18 enables the designated authority to withdraw a block entirely from the operation of the Act, subject, however, to this qualification, that he so withdraws it before a permit has been issued. This power is rendered necessary because the constitutional responsibilities of the Commonwealth may be such that a withdrawal of this kind will become imperative, for example, for defence purposes. Division 2 provides the clauses which govern the application for the issue, and the operation of exploration permits. The general scheme of the Bill contemplates that an operator will proceed by stages, starting with a permit and proceeding, subject to the conditions laid down in the Bill, and upon appropriate actions being taken by the permittee after the discovery of oil, to a production licence.

Clause 19 represents the basic control, and forbids a person to explore for petroleum in the adjacent area except under a permit or in pursuance of Part III (which means pursuant to the transitional provisions). The first step is taken by the designated authority's inviting applications for the grant of a permit (clause 20 (1). Where no application is made within the period specified in the instrument inviting applications, or an application is not wholly acceded to (subclause (3)), the designated authority may at any subsequent time receive an application for the grant of a permit in respect of some or all of the blocks not previously taken up.

Clause 21 deals with the procedure for, and the conditions governing, the application for a permit: the attention of honourable members is invited to subclause (1) (*d*), which sets out the particulars to be supplied by the applicant. The application fee is $1,000 (subclause (1) (*f*)). Subclause (2) provides an important control: it lays down that if 16 blocks or more are available the application shall be for not less than 16, and if less than 16 blocks are available the application shall be for the number available. Subclause (3) ensures that the application shall be for blocks constituted by graticular sections forming a single geographical area. Honourable members should observe that under clause 20 (5) the designated authority may, upon application in writing served on him, direct that subclauses (2) and (3) of clause 21 do not apply to an application: in other words, that the applicant is exempted from compliance with those subclauses. Where a permit is not granted the sum of $900 must be refunded to the applicant (subclause 5).

Clause 22 relates to the powers of the designated authority where an application has been received by him under clause 20. He may inform the applicant that he is prepared to grant a permit and that he will require the applicant to lodge a security for compliance with the conditions of the permit, or he may refuse the permit. Where the designated authority is prepared to grant a permit the applicant is to be given, by an instrument referred to in subclause (2), a summary of the conditions to be included in the permit and a certain time to make a formal request for the grant of the permit and the lodging of the necessary security. The applicant then may proceed to request the grant of a permit and lodge the appropriate security with the designated authority (subclause (3)), and the designated authority if thereupon bound to make an appropriate grant under subclause (4).

If the applicant does not follow up his original application in the manner contemplated by clause 22 his application may lapse (subclause (5)). Clause 23 lays down a procedure similar to that prescribed in the earlier part of this Division in accordance with which applications may be made for blocks which have been surrendered or cancelled. A material difference in the conditions which apply to such an application is to be found in subclause (4) (*d*) by which the applicant is required to specify an amount that he is prepared to pay to the designated authority in addition to the fee of $1,000 specified in clause 24 (1) (*a*).

As will be seen from both clauses 21 and 23, the designated authority is empowered, as he is in other comparable provisions under the Bill, to require the applicant to furnish further information in connection with his application. Clause 24 is particularly directed to the fee which will become payable upon an application under clause 23. The fee is $1,000 plus a deposit of 10 per cent of the sum referred to in clause 23 (4) (*d*). If the permit is refused (subclause (2)), $900 and the deposit just mentioned will be refunded to the applicant subject to the operation of clause 25.

Clause 25 is basically similar to clause 22 and sets out the procedure upon the consideration of an application under clause 23 of the Act. The designated authority is empowered to serve on an applicant an instrument informing him that he will be required to lodge security for compliance with the conditions with which the permit, if granted, will be subject, and a warning that the application will lapse unless the applicant takes the necessary steps specified in subclause (5) (*b*).

Clause 26 follows this up by enabling the designated authority to grant a permit under clause 23, provided the applicant requests the grant of a permit, pays the balance of any amount due to be paid (or enters into an agreement under clause 109), and lodges with the designated authority the necessary security. As with other applications the application will lapse if the applicant does not comply with the necessary requirements for taking up the permit. Clause 27 provides that where the requirements of clause 25 have been complied with the designated authority "shall" grant the applicant an exploration permit for petroleum in respect of the block or blocks specified in an instrument under clause 25.

Clauses 28 to 33 lay down various important characteristics and incidents of a permit once it has been issued. Clause 28 authorizes the permittee, subject to his complying with all legal requirements, to explore for petroleum and to carry on such operations and execute such works as are necessary for that purpose in the permit area. Clause 29 provides that, subject to Part III, a permit, otherwise than by way of renewal, remains in force for six years and a permit, granted by way of renewal, remains in force for a period of five years.

Clauses 30 to 32 lay down the procedure for the renewal of a permit. The application is made under clause 30 not less than three months before the date of expiration of the

permit (unless the designated authority extends the time available), upon the payment of a fee of $100. The renewal may not, however, be made for the full number of blocks which originally were covered by the permit. Clause 31 (1) provides that the renewal will extend, where the number of blocks is divisible by two without remainder, to one-half of that number, or where the number of blocks is one less or one more than a number that is divisible by four without remainder, to one-half of that number. The blocks in respect of which the renewal of a permit is sought must be within a single geographic area or be a number of discrete areas (subclause (3)).

Where blocks for which a renewal may be made number 16 or more, the area constituted by blocks in respect of which the application is made must be not less than 16 in number (subclause (4)). Where the number of blocks in respect of which an application for a renewal is made is, when calculated under subclause (1), less than 16, the designated authority may give special directions as to the blocks for which the application may be made (subclause (5)). If he thinks fit, the designated authority may, under subclause (6), exempt the applicant from the operation of subclauses (3) and (4) and give such directions as he thinks fit concerning his application. The procedures laid down in clause 32, which relate to grant or refusal of renewal of a permit, follow very closely the procedures already outlined in clauses 22 to 27 where an original application for a permit is under consideration.

Clause 33 is a very important clause which provides that a permit may be granted subject to such conditions as the designated authority thinks fit and specifies in the permit, and, in particular, authorizes the inclusion amongst the conditions of one requiring the permittee, during the term of the permit, to carry out works and spend moneys as specified in the permit. Honourable members should clearly realize that the wide terms of clause 33 do not in law permit the designated authority to include any conditions that his fancy may suggest. There is an incontrovertible High Court authority that a clause like this empowers the designated authority to include only such conditions as conform to the general scope and object of the Act, and do not permit him to include conditions that have no relation to the exploration for and exploitation of petroleum resources in our offshore areas.

Clauses 34 to 38 relate to the important stage in petroleum exploration when petroleum is actually discovered and, as a consequence of its discovery, provides the permittee with a foundation on which he can thereafter make an application for a production licence for petroleum under Division 3. By clause 34 the permittee is required to report a discovery promptly with all appropriate details (which are referred to in the clause), and if he should fail to do so, he renders himself liable to a penalty of $2,000. Under clause 35, the designated authority may direct the permittee thereupon to do such things as the designated authority thinks necessary to determine the chemical compositions and physical properties of the petroleum discovered and the quantity of petroleum in the petroleum pool to which the discovery relates. An operator who fails to comply with any such direction becomes liable to a penalty of $2,000.

Clauses 36 to 38 lay down the procedure by which a permittee establishes what the Bill calls a "location" on the basis of which he may subsequently apply for a production licence. A location is, to all intents and purposes, a definitive area of operation specified by the permittee in pursuance of the requirements of these clauses. The establishment of the location is carried out by the following steps. First, under clause 36 (1) a permittee is expected, after a discovery has been made, to "nominate" a block, in respect of which the permit is in force, for the purposes of making a "declaration of location" under clause 37. (If he fails to nominate a block himself, the designated authority may call on him to do so, and if, after being called on, he fails to nominate a block within three months, the designated authority may himself nominate the required block.)

In the instrument of nomination, the permittee or the designated authority must also specify a "discovery block" (that is, a block in which petroleum has been discovered) to form part of the "location", when it has been declared. When a permittee or the designated authority has duly nominated a block under clause 36, clause 37 empowers the designated authority to declare the nominated block and such of the blocks that immediately adjoin it and are within the permit area to be a location for the purposes of Part III. The designated authority under subclause (2) may, upon request if he thinks he is justified in doing so, revoke the declaration. Clause 38 defines what is meant by "immediately adjoining blocks" for the purposes of clause 37.

It should be observed that subclauses (4) to (6) of clause 36 lay down certain restrictions on the nomination of a block and of a discovery block under subclauses (1) and (3) of that clause. Subclause (4) precludes a block being nominated if it is already in a location or if it is such that the discovery block specified under subclause (3) would not form part of the location when declared. Moreover, under subclause (5) restrictions are placed upon the positions of discovery blocks capable of being nominated under subclause (3) of clause 36. This subclause operates in such a way as to prevent the permittee from specifying his discovery block in such a way as to defeat the operation of clause 37. Division 3 (production licences for petroleum) develops along lines foreshadowed by Division 2.

Clause 39 forbids a person to recover petroleum in the adjacent area except in pursuance of a licence or except as otherwise provided by Part III (which means the transitional provisions). Any application for a production licence is controlled fundamentally as to the number of blocks involved by clause 40. Under this clause the number of blocks for which application may be made is determined by the number of blocks which constitute the location declared under clause 37. Honourable members will see that under subclause (1) the maximum number of blocks in respect of which an application may be made is set out in paragraphs (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) which provide, in effect, a descending scale. Where nine blocks constitute the location the application may be made in respect of five of those blocks, and so on down the scale.

The application period is governed by the provisions of subclause (4) which provides a basic period of two years after the date upon which the location was declared: this period can be extended to four years by the designated authority on application to him by the permittee. Subclause (2) provides the permittee with the right, if he wishes to exercise it, of taking up in the first instance less than the total number of blocks which under subclause (1) he would be entitled to apply for (referred to as his primary entitlement). If he applies for and is granted a reduced number he may, from time to time within the application period, apply to add to that reduced number until he reaches a number of blocks that is not greater than his primary entitlement.

Where a permittee has obtained his primary entitlement under subclause (1) or by obtaining additional blocks has reached the number that he would have been entitled to under subclause (1), he may, within the application period, apply to the designated authority for the grant of a licence in respect of any of the other blocks forming part of the location (subclause (3)). Clause 41 lays down the requirements as to the form of the application and sets the fee for such an application at $200.

If an applicant, having obtained his full entitlement for a primary licence, thereafter makes an application under clause 40 (3) for further blocks in the location (thereby obtaining a secondary licence), the designated authority is empowered by clause 42 to determine the rate of royalty at a rate not less than 11 per cent or more than 12½ per cent of the value at the well-head of petroleum recovered. The designated authority will, pursuant to subclause (2), give the applicant an opportunity to confer with him before he fixes that rate.

Clauses 43 and 44 are along lines similar to clause 22. They provide that where an application for a licence has been made under clause 40 and the applicant has furnished any information required of him under clause 41 (2), the designated authority must (clause 43 (1)) inform him that he is prepared to grant him the licence applied for, and is empowered to require the applicant to lodge security for compliance with the conditions of the licence. The instrument by which he informs the applicant of the intended grant must include a summary of the conditions of the licence and, where the application relates to a secondary licence, a rate of royalty specified by him under clause 42.

The instrument also warns the applicant of a possible lapse on failure to comply with the designated authority's requirements. Following the same pattern as before, the applicant, under clause 44 (1), may request the grant of a licence and lodge the necessary security, whereupon the designated authority, under subclause (2), is obliged to grant a production licence for petroleum in respect of the blocks applied for. The designated authority is precluded, by subclause (3), from granting a secondary licence in respect of one or more blocks in a location unless a primary licence has already been granted in respect of part of the location and the total number of blocks included equals the permittee's full primary entitlement under clause 40 (1) and 40 (2).

Clause 44 (4) provides for the lapse of the application if the applicant does not, within

three months after the service of the instrument on him under clause 43, make the necessary request for the grant or fails to lodge the security required of him. Subclause (5) makes provision for the licence to supersede the permit. Clause 45 supplements clause 40 (2) by empowering the designated authority to vary the licence already issued so as to include in the licence area the further blocks applied for. Subclause (2) is a machinery provision giving effect to the variation of the licence.

Clause 46 deals generally with blocks that have not been taken up by the licensee. A permit is determined as to any block that has not been made the subject of an application by the permittee under clause 40 or has been made the subject of an application but that application has lapsed. In addition, where a permittee makes application for a secondary licence the permit is determined as to any blocks forming part of the location concerned that are not the subject of the secondary licence or of any application for a primary licence or for the variation of a primary licence. Where the block or blocks constituting a location are no longer the subject of a permit, subclause (3) empowers the designated authority to revoke the declaration of a location made under clause 37 (1).

Clause 47 deals generally with applications for blocks in respect of which a licence has been surrendered or cancelled, or as to which a permit is surrendered, cancelled, or determined and which have been included in a location in which, in the opinion of the designated authority, there is petroleum. In these circumstances the designated authority may invite applications for the grant of a licence within a period specified by him. The designated authority is required by subclause (2) to state in the instrument inviting applications that an applicant must specify a sum he is prepared to pay for the grant of a licence or that an applicant must specify the rate of royalty over 10 per cent of the value at the well-head that he would be prepared to pay if the licence were granted. Where the designated authority adopts the second of these two courses, he may also in the instrument inviting applications state that a successful applicant will be required to pay, in respect of the grant of the licence to him, a sum specified in the instrument.

Where no application is received after applications have been invited, or where applications have been received but a licence is not granted, the designated authority may thereafter receive an application for the grant of a licence without invitation under subclause (1). He may not, of course, receive any such application during a period in which an application may still be made under subclause (1). Subclause (6) sets out the facts and matters to be included in an application under this clause so as to comply with the requirements just discussed. As in other cases an applicant may be required to furnish to the designated authority further information in connection with his application (subclause (7)).

Clause 48 deals with the application fee in respect of an application under clause 47. This is fixed at $1,000, together with a deposit of 10 per cent of any sum that the applicant must pay in respect of the grant. Where a licence is not granted on the application, $900 must be returned to the applicant and the deposit may be returned if the designated authority so determines (subclauses (2) and (3)). Clause 49 provides the further procedure necessary to be followed where an application has been received under either clause 47(1) or clause 47(4). This clause follows the pattern of similar clauses previously discussed, and confers upon the designated authority the power to inform an applicant that he is prepared to grant a licence in respect of a block applied for together (where appropriate) with a specification of the conditions upon which the grant will be made.

Where the application is under subclause (4), the designated authority may require the applicant to pay the sum specified in the application or royalty at the rate specified in the application or both as the case may be, and the designated authority may, in any event, inform the applicant that he will be required to lodge a security in compliance with the conditions of the licence. Again, as with similar clauses previously discussed, the instrument by which the applicant is informed of these matters must contain a summary of the conditions, a statement of the amounts required to be paid and a warning that the application will lapse if the applicant does not comply with the requirements placed upon him by the designated authority (subclauses (1), (2), (3), (4), and (5)).

By subclause (6) an applicant is given three months from the date of the service on him of the instrument referred to in subclause (5) to request the grant of a licence and, where appropriate, to pay any sums required of him and lodge any necessary security. If he fails

to make such request to pay any sums required of him or lodge the necessary security, subclauses (7) and (8) provide that his application will lapse. Clause 50 represents the culmination of applications under clause 47, and provides that where the applicant has made the necessary request, paid any sums required of him (or has undertaken to pay them by instalments), and has lodged any necessary security, the designated authority must grant him a production licence for petroleum in respect of the block applied for.

Clause 51 is a machinery clause enabling a licensee, who holds a licence in respect of two or more blocks, to obtain by an appropriate application, and the payment of a fee of $100, two or more licences in respect of the blocks that were the subject of the original licence. This privilege was designed to facilitate dealings with blocks on the part of the licensee, and does not involve any departure from the fundamental scheme of the Bill. Clause 52 is one of the important foundations of the Bill, and provides that a licence, authorizes the licensee, subject to the Act, the regulations and the conditions of the licence, to carry on operations for the recovery of petroleum, explore for petroleum, and carry on such operations and execute such works in the licence area as are necessary for these purposes.

Clause 53 is another important basic provision and deals with the term of a licence. Where a licence is granted, otherwise than by way of renewal, it remains in force for 21 years. Where it has been granted on a first renewal it remains in force for a further 21 years, and where a licence is granted by way of renewal other than a first renewal it remains in force for such period, not exceeding 21 years, as the designated authority determines and specifies in the licence.

Clauses 54 and 55 deal with renewals and follow fairly closely the pattern of the renewal clauses previously considered in respect of permits (clauses 30 and 32). By clause 54 the licensee is empowered to apply for the renewal of his licence. He must do so in an approved form and by an application made not less than six months before the licence ceases to have effect. His application must be accompanied by particulars of proposals for work and expenditure in respect of the licence area, and a fee of $200 must be paid. By subclause (3) the designated authority may, in his discretion, reduce the six-month notice period. By clause 55 it is provided that where a licensee has complied with the conditions of the licence, with the provisions of the Common Mining Code, and with the regulations, the designated authority shall, if the application is in respect of a first renewal, and may, if the application is in respect of a renewal other than a first renewal, inform the licensee by an appropriate instrument that he is prepared to grant the renewal sought (subclause (1)).

By subclause (2), where a licensee has not complied with the conditions, with the Common Mining Code or with the regulations, and makes an application under subclause (1), the designated authority may, in special circumstances, still indicate that he is prepared to grant a renewal. If, however (subclause (3)), the designated authority is not satisfied that special circumstances exist that would justify his granting a renewal, notwithstanding such non-compliance, the designated authority is obliged to refuse to grant the renewal. The designated authority, however, may not refuse the renewal until he has given (in the manner provided by subclause (4)) the licensee an appropriate opportunity to submit to him any matters with respect to the renewal that the licensee desires to place before him. Subclause (5) provides that where an application is in respect of a renewal (other than a first renewal) the designated authority may, in his discretion, refuse to grant any renewal of the licence.

Upon any application, the designated authority may, pursuant to subclause (6), require the applicant to lodge security for compliance with the conditions of the licence if renewed. An instrument conveying this information to the licensee must (subclause (7)) contain a summary of the conditions to which the licence is subject, and warning that the application will lapse if the licensee does not comply with the requirements made. Upon being served with an instrument under subclauses (1) and (2) that the designated authority is prepared to grant a licence, the licensee may, within one month thereafter, request the renewal of a licence and, if so required, lodge any necessary security. By subclause (9), where such a request has been made, and any necessary security has been lodged, the designated authority is bound to grant the renewal.

Where, however, a request under subclause (8) is not made or any necessary security has not been lodged, the application will lapse (subclause (10)). Subclause (11) saves a licence in respect of which an application for

renewal has been made, where it has expired before the designated authority has reached a decision on the application of renewal. Clause 56 is a key clause: it empowers the designated authority to grant a licence subject to such conditions as he thinks fit, and specifies in the licence. Once again, it is appropriate to remind honourable members that the designated authority is constrained to specify only such conditions as conform to the general scope and object of the Act.

Clause 57 is another important clause that affects generally the extent of the development which operators are required to carry out in the course of their operations. By this clause, the licensee is bound, during the first year of his licence, to carry out in, or in relation to, the licence area approved works of the value of not less than $100,000 multiplied by the number of blocks in his licence (subclause (1)). By subclause (2) he must, during each subsequent year of his licence, carry out approved works to the value of not less than $100,000 multiplied by the number of blocks in his licence, or, where he has actually recovered petroleum from the licence area, the value by which the amount just mentioned exceeds the value of the petroleum recovered.

If the licensee fails to comply with subclauses (1) or (2), as the case may be, the State may recover from the licensee the sum by which his approved works has fallen short of what is required of him. By subclause (4) the designated authority may exempt him from compliance with this clause in respect of any year, on such terms as he thinks fit. Honourable members should observe that the value of the petroleum is the value at the well-head of that petroleum ascertained in accordance with clause 151. Clause 58 confers upon the designated authority a power regarded by petroleum mining authorities as essential, having regard to the variations that exist in the geographical structures of the offshore areas and the size and relationships of the various petroleum pools to be found there.

By subclause (1), the designated authority, if he is satisfied that there is recoverable petroleum in a licensed area, may direct the licensee to take all necessary and practicable steps to recover that petroleum and, if the designated authority is not satisfied with the licensee's response to that direction he may, pursuant to subclause (2), give detailed directions to the licensee in, or in relation to, the recovery of petroleum in the licence area. Subclauses (3) and (4) give corresponding powers to the designated authority in relation to an increase or reduction in the rate at which petroleum is being recovered from a licence area.

Linked with clause 58 is clause 59—a clause of great consequence that deals with the co-ordination of operations for the recovery of petroleum where a petroleum pool extends from one State or one adjacent area into another State or another adjacent area. It will be seen that, unless there was some provision enabling the recovery of petroleum from such a petroleum pool to be co-ordinated, severe injustices might be caused to one licensee, with rights over part of the petroleum pool, through the actions of another licensee who has rights over another part of the petroleum pool and who drains that petroleum pool of all recoverable petroleum.

The machinery provided by clause 59 enables the designated authority to ensure, if circumstances require it, that a licensee either voluntarily enters into an agreement with another licensee or other licensees concerned for the unit development of a petroleum pool of the kind just mentioned or, failing agreement, that he, in fact, complies with a scheme formulated by the designated authority relating to the recovery of petroleum from that pool. Honourable members will realize, of course, that clause 59 cannot be made effective without consultation between the authorities in each State concerned with the particular petroleum pool, and it is at this stage, therefore, that recourse must be had to the agreement, which I mentioned earlier, which provides, by clause 16, the machinery for the authorities concerned to co-operate in the administration of a recovery of petroleum from a petroleum pool affecting the areas of two States.

Division 4 concerns the construction and operation of pipelines. Pipelines for the conveyance of petroleum recovered from the adjacent area are controlled by a licence system, which is set up by this Division. For the purposes of understanding its operation, it is necessary to appreciate that pipelines fall into two classes: first, what I might call the pipeline proper (referred to in the Act and in the definition clause (clause (4) as "pipeline") and, secondly, subsidiary lines described by the definition of "secondary lines" in clause 4. "Pipeline" means a pipe or system of pipes in the adjacent area for conveying petroleum, but does not include a pipeline or system of pipes:

(*a*) for returning petroleum to a natural reservoir;

(*b*) for conveying petroleum for the purposes of petroleum exploration or recovering operations;

(*c*) for conveying petroleum to be flared or vented; or

(*d*) for conveying petroleum from a well to a terminal station without passing through another terminal station.

A "secondary line" means a pipe or system of pipes for any of the four purposes to which I have just referred that are excluded from the definition of "pipeline." A "terminal station" is defined by clause 4 to mean a pumping station, tank station or valve station declared to be a terminal station under clause 63 or under a corresponding law elsewhere, and will, in practice, amount to a gathering point where the lines from two or more wells are merged into one main line.

Clause 60 provides the foundation for the clauses that follow, and states that a person shall not, in any adjacent area, commence or continue the construction of a pipeline except under and in pursuance of the pipeline licence. This prohibition is extended, by subclause (2), to the alteration or reconstruction of a pipeline. Subclause (3) prohibits the operation of a pipeline except in pursuance of a pipeline licence and with the consent of the designated authority under clause 75 (which relates to the commencement or resumption of pipeline operations). Subclause (4) completes the picture by prohibiting the construction, alteration, reconstruction, or operation of a water line, pumping station, tank station, valve station, or secondary line (all as defined in clause 4), except in pursuance of the pipeline licence or with the consent in writing of the designated authority and in accordance with any conditions he specifies. Subclause (5) gives the designated authority the discretion to refuse any consent under this clause. The penalty for breach of this clause is $2,000 a day.

Clause 61 provides an important safeguard against a too strict operation of clause 60 by permitting an operator to act contrary to clause 60 in an emergency where there is a likelihood of loss or injury; or for the purposes of maintaining a pipeline, water line, pumping station, tank station, valve station or secondary line in good order or repair; or where the act which is contrary to clause 60 was in fact done in order to comply with a direction given to him by the designated authority under this Bill or the regulations.

Clause 62 completes the sanctions imposed by clause 60 by giving to the designated authority power by instrument in writing to direct an appropriate person (as defined by subclause (2)) to make alterations to or to remove lines or stations constructed, altered, or reconstructed in contravention of the Act. Where a person has failed to comply with a direction under this clause, the designated authority is empowered by subclause (3) to do himself all or any of the things required and, by subclause (4), to recover his costs and expenses from the appropriate person. Clause 63 (as adverted to earlier) provides the machinery for the declaration of a pumping station, tank station, or valve stations as a terminal station.

Clause 64 lays down the procedure governing an application for a pipeline licence, and the attention of honourable members is invited to the various matters which must be included in such an application and which are specified in paragraphs (*a*) to (*e*) in subclause (1). The fee for an application is $1,000. Subclause (2) contemplates that a notice may be published in the *Government Gazette* of an application for a pipeline licence by a person other than the licensee in whose area the pipeline is sought to be laid, or of an application for a pipeline licence for the construction of a pipeline to convey petroleum recovered in a licence area under a corresponding law made by a person other than a pipeline operator under a corresponding law (as explained in subclause (5)).

Where such a notice is published, the licensee or the pipeline operator under a corresponding law may, within three months or within such further time as the designated authority allows, make an application for a pipeline licence to be issued to himself and request that the application about which the notice is published be rejected. By subclause (3), the designated authority is empowered to reject an application under subclause (2) where, in the result, he grants a pipeline licence to the licensee or to the pipeline operator under a corresponding law. As with similar clauses earlier in the Bill, the designated authority is empowered by subclause (4) to require an applicant to furnish further information in connection with his application.

Clause 65 lays down the basic procedure to be followed where an application has been made under clause 64. If the applicant is the licensee and has complied with all legal requirements applicable to him, or is a pipeline operator under a corresponding law, the

designated authority must inform the applicant that he is prepared to grant a licence; and, if the applicant is any other person, the designated authority (unless he has acted under clause 64 (3)) may so inform him. Where a licensee, who has not complied with the conditions of his licence or with the Common Mining Code or the regulations, makes an application for a pipeline licence, the designated authority has a discretion to inform him nevertheless that he is prepared to grant a pipeline licence to him (subclause (2)).

If the designated authority is not satisfied that special circumstances exist that justify his granting a pipeline licence, he is obliged to refuse to grant that licence (subclause (3)). However, as in the similar case under clause 55 (4), the designated authority must give the licensee an opportunity of submitting any matters upon the application that he wishes the designated authority to consider and the designated authority must take those matters into account before reaching a final decision. In addition to all his other powers, the designated authority has power by subclause (5) to refuse to grant a pipeline licence to a person other than the licensee or the pipeline operator under a corresponding law. If the designated authority decides to inform the applicant that he is, under subclauses (1) or (2), prepared to grant a pipeline licence he must, at the same time, inform the applicant that he will be required to lodge a security for compliance with the conditions of the licence and with the provisions of the Common Mining Code and with the regulations (subclause (6)).

By subclause (7), the instrument by which the designated authority so informs the applicant must specify the route to be followed by the pipeline, a summary of the conditions upon which the pipeline licence will be granted and a warning that the application will lapse if the applicant does not make a request under subclause (9) and lodge any security required of him. The route to be followed (referred to in subclause (7) (*a*)) is required, by subclause (8), to be either the route shown in the plan accompanying the application or, if the designated authority considers that route not appropriate, another route that, in the opinion of the designated authority, is appropriate.

Subclause (9) gives the applicant a period of three months within which he may request the designated authority to grant a pipeline licence and lodge with the designated authority any necessary security. Subclause (10) directs the designated authority to grant a pipeline licence where an appropriate request has been made and the applicant has lodged any security required of him. On the other hand, if he does not make a request within due time or does not lodge the necessary security, the application will, by virtue of subclause (11), lapse. Where a pipeline licence is not granted on an application, subclause (12) directs that the sum of $900 shall be refunded to the applicant. Subclause (13) simply provides a definition of "pipeline operator under a corresponding law" for the purposes of clause 65.

Clause 66 is similar to clauses 52 and 28. It provides the basic guarantee that a pipeline licence while it remains in force authorizes the pipeline licensee, subject to the Bill and the regulations and the conditions of the pipeline licence, to construct the pipeline specified in the pipeline licence and the accessory pumping station, tank station and valve station; to operate the pipeline, pumping stations, tank stations and valve stations, and to do all such other things in the adjacent area as are necessary for or incidental to construction and operation of a pipeline and the pumping stations, tank stations and valve stations.

Section 67 lays down the term of a pipeline licence which it fixes at a peroid of 21 years or, where the designated authority is of the opinion that, having regard to the dates of expiry of the relevant licence, it is not necessary for the pipeline licence to remain in force for 21 years, then for such lesser period as he determines. Subclause (2) lays down the precise date of commencement of the pipeline licence.

Clauses 68 and 69 deal with applications for renewal of a pipeline licence. Clause 68 empowers a pipeline licensee to make an application for renewal in accordance with an approved form and not less than six months before the date of expiry of the pipeline licence (unless the designated authority reduces that period). The prescribed fee is $200. As with previous clauses dealing with renewals, clause 69 provides that the designated authority shall, if the pipeline licensee has complied with the conditions of the licence, with the Common Mining Code and with the regulations, inform the pipeline licensee, by instrument in writing, that he is prepared to grant a renewal of the pipeline licence and that he will be required to lodge a security for compliance with the conditions of the licence,

with the Common Mining Code and with the regulations.

Where the pipeline licensee has not complied with the conditions of the licence, the Common Mining Code or the regulations, the designated authority is given a discretionary power, in special circumstances, nevertheless to serve such an instrument. Under subclause (2), if the designated authority is not satisfied that special circumstances justify the granting of a renewal to a pipeline licensee who has failed to comply with the conditions of the licence, the Common Mining Code or the regulations, he is bound to refuse the renewal. As with similar clauses previously discussed, for example, clause 65 (4), the designated authority is precluded from refusing a renewal unless, in the manner provided by subclause (3), he has given the applicant an opportunity of making submissions to him on the matter and has taken those submissions into account in reaching a decision.

Where the designated authority serves an instrument under subclause (1) conveying his preparedness to grant a licence the instrument must contain, as required by subclause (4), a summary of the conditions to which the pipeline licence will be subject and a warning that the application will lapse if the pipeline licensee does not make a request for a grant and lodge any necessary security with the designated authority. A pipeline licensee on whom there has been served an instrument under subclause (1) is, by subclause (5) then empowered, within a period of one month after service upon him of that instrument, to request the designated authority to grant him a renewal and to lodge any necessary security with the designated authority.

On his duly carrying out these two things, subclause (6) directs the designated authority to grant him a renewal of the pipeline licence which he applied for. On the other hand, if he fails to make a request in due time or to lodge the security required of him, his application will lapse (subclause (7)). Subclause (8) contains the same sort of safeguard as clause 55 (11): it artificially prevents the pipeline licence from expiring where an application for renewal has been lodged, but the designated authority has not reached a decision.

Clause 70 is in a form similar to clauses 56 and 33 and lays down, in subclause (1), that a pipeline licence may be granted subject to such conditions as the designated authority thinks fit and specifies in the pipeline licence. In particular, (subclause (2)), the conditions may include one that the pipeline licensee shall complete the construction of the pipeline within a period specified. Once again honourable members are reminded that the discretion of the designated authority is controlled by the scope and purpose of the Act and is not at large.

Clause 71 provides the necessary power for the practical operation of a pipeline. Subclause (1) enables a pipeline licensee to apply to vary the pipeline licence. His application must comply with the requirements of subclause (2) and must be accompanied by a fee of $100 (paragraph (*e*)). The designated authority may, under subclause (3), require further information to be supplied to him. Subclause (4) contains an important safeguard for third parties. By that subclause the designated authority is directed to publish in the *Gazette* notice of an application pursuant to clause 71 so that other persons may submit to him in writing any matters that they wish him to consider in connection with the application. It will be readily seen that a variation of a pipeline licence, once a given operational situation is settled, might detrimentally affect the interest of third parties, and it is to avoid such a consequence that this procedure has been introduced. Subclause (5) empowers the designated authority, after considering any matters submitted to him, to vary the pipeline licence as he thinks necessary or to refuse to vary it.

Clause 72 incorporates a safeguard in the public interest. It empowers the disignated authority, at the request of either the Minister or a Minister of State of the Commonwealth on the one hand, or a body established by a law of the Commonwealth or of the State, on the other hand, if in his opinion it is in the public interest to do so, to direct a pipeline licensee or the holder of an instrument of consent under clause 60 to make such changes in the design, construction, route or position of the pipeline or of the other lines or stations mentioned in the clause as he sees fit to specify within a stated period. This power prevents any pipeline or station from interfering in any way with matters of public concern.

Members will realize that this is a very special power and will only be exercised upon very special occasions. A person who disobeys a direction given under subclause (1) will be liable to a penalty of $2,000. The clause preserves the financial interests of the pipeline licensee or other persons concerned who are

given, by subclause (3), the right to bring an action in the Supreme Court and under subclauses (4) and (5) to be indemnified against part or all of the costs incurred by him in complying with the direction.

Clause 73 is one which has corresponding provisions in offshore oil legislation in other parts of the world. This clause empowers the designated authority to direct a pipeline licensee to be a common carrier. No definition of common carrier is provided or needed. A common carrier, in law, is one who by profession to the public undertakes for hire to transport from place to place either by land or water the goods of such persons as may choose to employ him. He is bound to convey the goods of any person who offers to pay his hire and in the absence of a special agreement or statutory exemption is an insurer of the goods entrusted to him unless any loss or injury caused was brought about by act of God or the Queen's enemies. A direction under clause 73 will have this result with reference to the pipeline licensee to whom the direction is given.

Clause 74 seeks to ensure that full use will be made of any pipelines which have been authorized under this legislation. It provides that, subject to the designated authority's consent and to any conditions that he imposes, a pipeline licensee will not cease to operate a pipeline. Subclause (2) states three obvious exceptions to this general prohibition, namely, where the failure was in the ordinary course of operations, was for the purposes of repair or maintenance work, or was in an emergency where there was a likelihood of loss or injury.

Under clause 75 where a pipeline has not previously been in operation or has ceased to operate otherwise than for repair or maintenance work or in the ordinary course of operations, the designated authority, on application, may consent to the commencement or resumption of operations, provided he is of the opinion that those operations may be carried on in safety.

Division 5 deals with the important administrative topic of registration of instruments. Clearly, for the efficient operation of any scheme designed to govern offshore mining through the medium of permits, licences and authorities, it is essential that some provision should be made to keep proper records of the issue and transfer of instruments. This Division was drafted to some extent upon the pattern of the Real Property Act, although there are certain important differences. The basic scheme envisages a central register kept by the designated authority in which important memorials and memoranda are recorded so that a complete picture of the situation with respect to this State is retained by a central authority.

Clause 76 directs the setting up of a register and specifies the various particulars that are to be kept in that register from time to time. Subclause (5), it is to be noticed, provides, amongst other things, that a permit, licence, pipeline licence, access authority or an instrument is to be of no force until it has been registered. Clause 77 provides for the memorializing of the determination of a permit (wholly or in part), the determination of a permit in respect of a block for which a licence is granted and the expiry of a permit, licence, pipeline licence or access authority.

The regisration provisions, speaking generally, fall into two groups, first, those that deal with the approval and registration of transfers (that is transfers of a complete permit, licence, pipeline licence or access authority) and, secondly, those that deal with the creation of some legal or equitable interest in or affecting an existing or future permit, licence, pipeline licence or access authority and the approval of and registration with respect to those instruments.

Clause 78 provides that a transfer is of no force until it has been approved by the designated authority and registered (subclause (1)). Subclauses (2) to (12) provide the machinery for effecting a transfer. An application for approval of the transfer is lodged, together with an instrument of transfer; a memorandum of the date of application is made and the designated authority is empowered to approve the application or to refuse it. The designated authority may make the transfer subject to the lodgement of the security. The necessary entry is made in the register of payment of the fee under clause 92 and, upon memorandum of transfer being entered, the transfer takes effect.

Clause 79 deals with the important topic of devolution of title by operation of law. As with transmission applications under the Real Property Act, so here it is possible for the person to whom the rights of the registered holder have devolved by operation of law to have his name entered in the register in place of the original registered holder. Clause 80 deals with the second class of instruments (referred to previously) under Division 5, namely legal or equitable interests in or affecting existing or future permits, licences, pipeline licences, or access authorities. Such an interest is, by

clause 80, not capable of being created, assigned, affected or dealt with except by an instrument in writing.

Clause 81 provides machinery somewhat similar to that referred to under clause 78 by which an application is made for approval and entry in the register. The designated authority is empowered either to approve or refuse an application and on payment of the necessary fee and the submission of the necessary documents, an instrument submitted with the application may be approved and an entry of approval entered in the register. Since, under clause 92, the amount of registration fee depends to a large extent on the value of the consideration involved in any registrable transaction, clause 82 contains an important sanction designed to ensure that an instrument to be registered fully and truly sets forth the true consideration for the transfer or instrument and all other facts and circumstances, if any, affecting the amount of the fee payable. Subclauses (2) and (3) contain supplementary provisions for the determination of the correct fee.

Clause 83 makes it clear that any instrument lodged with the designated authority under this Division takes effect according to its own terms. and does not have any force, effect or validity which it would not have had if Division 5 was not in operation. Clause 84 confers a power upon the designated authority to insist on supplementary information to enable him to carry out his duties under the Division. A person who furnishes false or misleading information is liable to a penalty of $1,000. Clause 85 supplements clause 84 by giving the designated authority power to require any person to produce relevant documents for the purpose of carrying out his duties. Again, a penalty of $1,000 is provided for breach of this clause.

Clause 86 is one of the fundamental clauses to this Division in that it makes the register of all instruments registered or subject to inspection available for inspection at all convenient times upon payment of a fee of $2. Subclause (2) gives the designated authority the power to protect the interest of a registered holder upon special grounds where he is of opinion that inspection should not be allowed without the written consent of the registered holder. Clause 87 makes the register evidence in all courts of all matters required or authorized by this Division to be entered in the register, and provides machinery for certified copies to be obtained. Subclause (3) is a further evidentiary aid under which the designated authority may certify that certain things have been done or entries made, and his certificate thereupon becomes evidence in courts. Clause 88 contains the safeguard of an appeal to the Supreme Court in order to rectify any error in the register.

Clause 89 is a customary provision in virtue of which the designated authority or a person acting under his direction or authority is exempted from actions, suits or proceedings in respect of acts of matters done in good faith in the exercise of powers or authorities referred by this Division. Clause 90 protects the register against wilfully false entries and also makes it an offence to produce or tender in evidence documents falsely purporting to be copies or extracts. The maximum penalty for an offence against this section is imprisonment for two years. Clause 91 empowers the designated authority to determine the fee payable under Division 5 and gives to a party dissatisfied with any such determination the right of appeal to the Supreme Court. Clause 92 provides for the imposition of registration fees. It is to be observed that under subclause (7) stamp duty is not chargeable on any transfer or other instrument so far as it relates to a permit, licence, pipeline licence or access authority.

The foundation of the imposition of these registration fees is to be found in subclause (1) which empowers the designated authority in respect of the memorandum of transfer or a memorandum of approval of an instrument of the kind referred to in clause 80 to impose a fee at the rate of 1½ per cent of the value of the consideration for the transfer or the value of the permit, licence or pipeline licence transferred, or of the interest created, assigned effected or dealt with by the instrument, whichever is the greater. Subclause (2) provides a statutory minimum of $5. Subclauses (3) to (6) enable the designated authority to reduce the fee which would otherwise be payable in a manner which is designed to encourage approved exploration works, to avoid double payment of fees and to facilitate arrangements entered into between related companies. In this way the designated authority will be able to ensure that the payment of fees does not discourage initiative in exploration or re-organization or administration.

Division 6 is headed "General" but, broadly speaking, contains a number of important powers designed to give that flexibility of administration which is so important to a

scheme such as this and which enables the designated authority in South Australia to adjust his administration to suit the different conditions which may prevail in the offshore areas of South Australia. However, Division 6 goes further than that and deals with other matters of day to day administration. Clause 93 provides for the forms of permits, licences, pipeline licences, special prospecting authorities and access authorities.

Clause 94 empowers the designated authority to publicize in the *Gazette* such particulars as he thinks fit of various transactions or events which affect the operation of permits, licences, pipeline licences, and any blocks in respect of which they have been issued (as the case may require).

Clause 95 provides special rules for making certain the date from which permits, licences, and pipeline licences and their surrender cancellation and variation, take effect. Clause 96 ensures that where a permit, licence or ppieline licence is granted subject to a condition that specified works or operations are to be carried out, the permittee licensee or pipeline licensee concerned shall commence to carry out those works or operations within a period of six months after the day on which his authority has effect. Subclause (2) empowers the designated authority to grant exemptions and subclause (3) imposes a penalty for non-compliance. Clause 97 is one of the most important provisions of the Act with respect to the actual offshore mining operations themselves and the method of conducting those operations.

The fundamental principle, contained in subclause (1), is that operations shall be carried out in a proper and workmanlike manner and in accordance with good oil field practice. Subclause (1) also imposes on a permittee or licensee the duty of securing (that is, ensuring) the safety, health and welfare of persons engaged in these operations in or about the permit area or licence area. ("Good oil field practice" is a phrase defined in clause 4 in Part I of the Bill.) Subclause (2) sets out in some detail, but without limiting the generality of subclause (1), specific duties of a permittee or licensee. Subclauses (3) and (4) impose on a pipeline licensee duties similar to those contained in subclauses (1) and (2) and subclause (5) imposes similar duties to those contained in the earlier subclauses upon the holder of a special prospecting authority or access authority. Subclause (6) provides a safeguard to a person charged with the failure to comply with those clauses in that on prosecution for non-compliance with this clause he is given the defence that he took all reasonable steps to comply with this clause. The maximum penalty is $2,000.

Clause 98 supplements clause 97 in that it imposes on an operator the duty to maintain all structures, equipment and property in good condition and repair and to remove from the operations area all structures, equipment and other property that are not used, or to be used, in connection with the operations in which he is engaged. Clause 99 governs and controls clauses 97 and 98 in that those two clauses take effect subject only to any other provisions of the Bill, to the regulations, to any specific direction given by the designated authority and to any other law. Clause 100 provides the holder of a permit or licence with protection against persons drilling too close to his own boundary. The clause forbids the making of a well any part of which is less than 1,000ft. from a boundary of the permit area or licence area, except with the consent in writing of the designated authority and subject to such conditions as he imposes. If a permittee or licensee acts in breach of this clause the designated authority can direct him to put matters right by plugging the well or closing it off or taking other necessary steps in accordance with directions given to him.

In various parts of this Bill there have been allusions to the power by the designated authority to give directions on various matters. The designated authority's power to give those directions is given generally by clause 101 which provides that by instrument in writing served on a permittee, licensee, pipeline licensee or the holder of a special prospecting authority or access authority, to give to that person a direction as to any matter with respect to which regulations may be made under clause 155 of the Act. A direction so given overrides any regulations, although such a direction cannot be inconsistent with the applied provisions referred to under Part II.

Clause 102 supplements clause 101 by providing the necessary machinery for ensuring that things directed to be done are done. The machinery is that on failure to carry out a direction, the designated authority may himself do the thing directed to be done and recover his costs from the person in default. The defendant is given the defence to a claim for such a recovery that he took all reasonable

steps to comply with the direction. Clause 103 is another key provision designed to give flexibility in administration: it provides a wide range of powers of exemption, all of which the designated authority may exercise according to the circumstances of individual cases.

Clause 104 relates to the aftermath of a surrender and provides that if the holder of an instrument under the Act surrenders that instrument as to all or some of the blocks in respect of which it is in force, or as to the whole or part of a pipeline in respect of which it is in force, as the case may be, the designated authority may ensure that he has paid all fees and other amounts payable by him; that he has complied with the conditions of the instrument, with the Common Mining Code, and with the regulations; that he has removed all property brought onto the area in connection with the operations authorized by the instrument; that he has plugged or closed off all wells made in the relevant area; that he has done all things necessary to conserve and protect the natural resources of the relevant area, and, generally, that he has made good any damage to the sea bed or subsoil in the relevant area caused by any of the operations authorized under the instrument. Subclause (3) gives the designated authority certain powers of exemption and upon the designated authority consenting, under subclause (4), the instrument of surrender takes effect.

Clause 105 gives to the designated authority a sanctioning power far greater and more effective generally than any of the penalties imposed by way of either imprisonment or fine under the Bill. The power here given to the designated authority is similar to the powers to be found in virtually every lease that is executed in the commercial world from day to day. This clause provides that where a permittee, licensee or pipeline licensee has not complied with a condition of the relevant instrument; or has not complied with the direction given to him (under clause 101); or has not complied with part of the Common Mining Code, or of the regulations; or has not paid any amount payable by him under this Bill within three months, after due date, the designated authority may, by instrument in writing, cancel the permit or licence as to all or some of the blocks in respect of which it is in force or, as the case may be, cancel the pipeline licence as to the whole or part of the pipeline. As in the case of similar provisions previously discussed, the designated authority is by subclause (2) required to give the holder of the instrument a proper opportunity of submitting to him any matters about the alleged breach that he wishes the designated authority to consider, and the designated authority must consider those matters before he reaches a decision.

Clause 106 provides for the independence of the various sanctions imposed by the Bill: for example, a permittee may have his licence cancelled, notwithstanding that he has been convicted of an offence in respect of the same default which led to the cancellation; or a permittee may have his permit cancelled for non-payment of an amount payable under the Act notwithstanding that judgment for the amount due has been entered. Clause 107 provides similar sorts of safeguards to those set out in clause 104, except that these safeguards are imposed not on the surrender of an instrument but upon its cancellation or expiry. The designated authority is given the same powers, in effect, to clean up the area as he was given under clause 104 (2) and, if the various things required to be done are not done by the person responsible, the designated authority may direct those things to be done.

Clause 108 supplements clause 107 by empowering the designated authority to do all or any of the things required by his direction to be done and, if property brought into the area has not been removed in accordance with his direction, the designated authority may publish an instrument in the *Government Gazette* directing its removal or disposition to his satisfaction within a period specified in the instrument, and may serve a copy of the instrument on each person whom he believes to be the owner of a property in question. If he publishes such an instrument giving a direction, he may subsequently have recourse to the powers conferred by clause 113 which, speaking generally, give him a power of sale. This clause will be discussed shortly.

By various clauses (for example, clauses 27 and 50) it is contemplated that payments may be made to the designated authority in certain circumstances, and clause 109 is an enabling provision by virtue of which a person required to make a payment may enter into an agreement with the designated authority to make whatever payment is required of him by instalments. Interest may be charged and subclause (2) provides that the rate applicable is to be 6 per cent or such lower rate as is prescribed. Subclause (3) provides a limit to the instalment period of 21 years. Subclause (4) safeguards the payment of any instalments by

directing that any instalment or interest that is due under an agreement reached with the designated authority and which has not been paid is payable by the registered holder, permittee or licensee as the case may be. Who ultimately bears the burden of such payment will become a matter for negotiation between the registered holder and any other party concerned in the payment.

Clause 110 provides a penalty for late payment and subclause (2) confers on the designated authority a power to remit the whole or any part of the penalty. Clauses 111 and 112 provide the operator with the means of obtaining two important supplementary authorities. Under clause 111, where applications have been invited under clause 23 for a permit, or under clause 47 for a licence, a person may make application for the grant of a special prospecting authority. Subclause (2) prescribes the form of the application and subclause (3) empowers the designated authority to grant or refuse it. A special prospecting authority, as subclause (4) provides, authorizes the holder, subject to the Bill, to the regulations and to the conditions applicable to it, to carry on, in the blocks specified in the authority, the petroleum exploration operations also specified in the authority. The exploration operations may be anything permitted by the designated authority except that (subclause (5)) the holder may not make a well. A special prospecting authority, unless surrendered or cancelled, remains in force for any period specified, not exceeding six months (subclause (6)), and may be either surrendered or, if the holder has not complied with the conditions, cancelled by the designated authority. Subclauses (8), (9) and (10) are similar in effect to subclauses (2) and (3) of clause 107 and enable the designated authority, in effect, to clean up the area after the operations comprised in the authority have been finished, and to give directions if the cleaning up is not carried out.

Clause 112 empowers a permittee or licensee to apply to the designated authority for the grant of an access authority to enable him to carry out operations in a part of the adjacent area that is not part of his permit area or licence area. The application must be in accordance with the requirements of subclause (2). The designated authority may, if he is satisfied that it is necessary or desirable to grant the authority to enable the permittee or licensee more effectively to exercise his rights or to perform his duties, grant to the applicant an access authority under this clause, subject to such conditions as he thinks fit. Subclause (3) (*b*) enables him to vary an access authority previously granted. The designated authority is, by subclause (4), prevented from granting or varying an access authority where the permit or licence area of a registered holder other than the applicant is involved, unless he has, under subclause (4), given that other holder an appropriate opportunity to submit any matters that he considers relevant to the designated authority and the designated authority has considered those matters.

An access authority authorizes the holder, subject to this Bill and the regulations and to the conditions applicable, to carry on, in the area specified in the access authority, the petroleum exploration operations specified in that authority (subclause (5)). Subclause (6) denies to the holder of an access authority the right to make a well. An access authority remains in force until surrendered or cancelled for such period as is specified in the access authority (subclause (7)). Subclause (8) empowers the designated authority to accept a surrender of, or to cancel, an access authority and, where an access authority has been surrendered or cancelled or has expired, the designated authority is empowered by subclauses (9) to (12) to ensure the clearing of the area in substantially the same way as under clauses 111 and 107.

As I foreshadowed earlier, when considering clause 108, clause 113 provides a sanction for those persons who have not complied with a direction to clear a relinquished area given under clause 108. By clause 113 the designated authority is empowered to remove any property left in the relinquished area, dispose of it in such manner as he thinks fit and, if he has served the instrument referred to in clause 108 (*b*), to sell by public auction or otherwise all or any part of the property concerned. The designated authority is thereupon empowered to deduct from the proceeds of sale his costs and expenses and any fees or amounts due and payable under the Bill. By subclause (3) he is given the power to recover his costs and expenses to the extent that they are not recovered under subclause (2) by an appropriate action in a court of competent jurisdiction. In this Part, the furnishing of a security has been referred to in several places: in Division 2, in reference to permits; in Division 3, in reference to production licences; and in Division 4, in reference to pipeline licences.

Clause 114 provides the governing rules for all these securities. Securities for the purposes of permits are here stated to be in the sum of $5,000; for production licences, in the sum of $50,000; and for pipeline licences, in the sum of $20,000. These securities are to be in such manner and form as are approved, and are to be by cash deposit or by such other method as the designated authority allows. Securities given under clause 114 bind the parties subscribing as if the security was sealed, and, if a security is put in suit in an action before a court, its production, by virtue of subclause (3), entitles the designated authority to judgment, unless the person appearing to have executed the security proves compliance with its conditions, or that the security was not executed by him, or release, or satisfaction. Subclauses (4) and (5) are really standard form provisions in similar securities usually given in the commercial world. Subclause (4) provides that the subscriber is not deemed to have been released or discharged by reason of extension of time or other concession, waiver of non-compliance of the condition, or failure by the designated authority to bring suit upon previous non-compliance. Subclause (5) provides that subscribers are bound jointly and severally unless otherwise provided.

Because it is so important that each central mining authority should assemble and collate as much relevant information as possible in connection with the adjacent area under his administrative control, clause 115 provides that the designated authority or an inspector, who has reason to believe that a person is capable of giving information or producing documents relating to exploration or recovery operations or operations connected with the construction or operation of the pipeline, may require that person to furnish such information to him either in writing or in answer to questions. Subclause (2) contains a common provision as to non-availability of privilege to the effect that a person who is required to provide the information must do so notwithstanding the tendency in his answer to incriminate him; but the information or answer does not thereupon become admissible in evidence against him, other than for proceedings under clause 117. Clause 116 gives to the designated authority, or an inspector, power to compel answer upon oath, and clause 117 prohibits refusal or failure to comply with clause 115 or the furnishing knowingly of false or misleading information or of a false or misleading document. The maximum penalty is $2,000.

Clause 118 relates to the release of information and is a very important one for the development of oil exploration generally in Australia. Honourable members will see in this clause an attempt to balance, on the one hand, the rights of persons connected with offshore mining operations to preserve a degree of secrecy as to the information they have obtained and, on the other hand, the need, in due course, for information obtained in the course of those operations to be made available to the mining community generally. A distinction is drawn, for the purposes of this clause, between purely factual matter to be derived from reports, cores, cuttings or samples and pure opinion or speculation based upon that factual matter.

For the purpose of protecting a well, a structure and any equipment in the adjacent area, the designated authority is, by clause 119, empowered to set up what are called safety zones. A safety zone may extend to a distance of 500 metres around the well, structure or equipment that is specified in the instrument (published in the *Gazette*) setting up the safety zone. In order to make such a safety zone effective it is necessary to impose a heavy penalty on persons intruding into that zone, and subclause (3) imposes on the owner and the person in command or in charge of any vessel the liability to be fined up to $10,000 if the vessel in question enters or remains in a safety zone in contravention of the instrument by which the designated authority sets up that safety zone.

As can well be realized, any discovery of water in a permit area or licence area is deemed to be of general importance, and clause 120 places upon a permittee or licensee the duty of reporting to the designated authority particulars of any discovery of water within one month after the date of discovery. In order to enable the designated authority to keep proper administrative control over the adjacent area, it is necessary for him to know from time to time details of the position of some well, structure or equipment being used for offshore mining operations. Clause 121 gives the designated authority power, by instrument in writing, to direct the permittee or licensee to carry out a survey of the position of any specified well, structure or equipment, and to furnish to him a report in writing of the survey. By subclause (2) the designated authority may direct the furnishing of further

and better information if he is dissatisfied with the initial report. The clause is enforced by a sanction contained in subclause (3) and a maximum penalty of $2,000.

Clause 122 is a more general clause along the same lines as clause 121 and empowers the designated authority to direct a person operating under a permit, licence, pipeline licence, special prospecting authority, access authority, or instrument of consent to keep such records, retain such samples, and furnish to him such report or reports, cores, cuttings and samples as he specifies by instrument in writing. This power is sanctioned by a maximum penalty for non-compliance of $2,000.

Clauses 123 and 124 are designed to ensure that South Australia complies with those duties that rest upon Australia as a whole by virtue of Article 5 of the Convention on the continental shelf. (It will be observed, incidentally, that paragraph (3) of Article 5 relates to the safety zones already discussed in relation to clause 119.) Broadly speaking, clauses 123 and 124 preserve the right of persons generally, in the adjacent area, to carry out scientific investigation; preserve against interference both navigation and fishing; and conserve the resources generally of the sea and sea-bed. Operations for exploration for the recovery of or conveyance of any minerals (including petroleum) are also protected.

Clause 125 provides the machinery for appointment of inspectors under the Act, and clause 126 confers the usual powers that are given to mining inspectors to have access to relevant areas in order to inspect and test equipment and to inspect and take extracts from relevant documents. A maximum penalty of $500 is imposed on persons who, without reasonable excuse, obstruct or hinder an inspector in the exercise of his powers.

Clause 127 is another basic clause in the Bill which provides that, upon recovery of petroleum, property in it vests in the permittee or the licensee concerned. Clause 128 is a clause similar in purpose to clauses 9, 10, 11 and 12 and is designed to prevent the double payment of royalty. It provides that to the extent to which a person pays royalty to the Commonwealth in respect of petroleum recovered under a law of the Commonwealth or an instrument under that law, he is not liable to pay royalty under the State legislation. Honourable members should clearly understand that this provision has nothing to do with the ultimate sharing of royalties, which is the subject matter of the next clause.

Clause 129 is designed to carry out clause 19 of the Commonwealth-States agreement and provides an appropriate formula. By clause 19 the Commonwealth is entitled to four-tenths of so much of the royalty as is not override royalty and South Australia to six-tenths of that same royalty. Moreover, any override royalty becomes payable to the State. Any amounts received by reason of late payment are allocated between the Commonwealth and the State in the same way as royalties. It will be observed that under clause 148 of the Bill the designated authority may, in certain cases, reduce the rate of recovery of petroleum and, consequent upon this, may determine that the royalty in respect of petroleum recovered from a particular well shall be at the rate which he specifies. Clause 130 indicates that such a situation is regarded as exceptional and limited and provides that a determination made by the designated authority, under clause 148, shall be disregarded in ascertaining the percentage rate at which royalty is payable under the Bill for the purposes of clause 129.

Clause 131 provides a much needed sanction by creating continuing offences, so that where a person continues to fail to comply with some requirement of the Act or regulations, he will be liable to a repeating penalty for every day on which the offence is deemed to continue. Clause 132 provides machinery by which offences may be prosecuted either in a court of summary jurisdiction or in the Supreme Court. In both cases proceedings are summary. The Supreme Court is given the necessary power to make rules of court to implement this clause. Clause 133 contains an important sanction and an important safeguard. On the one hand, where offences have been committed under clauses 19, 39 or 60 (that is to say, where persons do acts which can be justified only by a permit, a licence, a pipeline licence or the transitional provisions) the court may order an appropriate form of forfeiture. Subclause (1) sets out the kind of forfeitures which can be ordered, namely, forfeiture of a specified aircraft, a specified vessel, specified equipment, or specified petroleum. The court is also empowered to order payment of the proceeds of sale of specified petroleum or of an amount equal to the value at well head of petroleum recovered or conveyed through a pipeline. An order for forfeiture may be set aside if it is impracticable to carry it out (subclause (2)). Any person likely to be affected by an order for forfeiture is given the right to be heard (subclause (3)).

Clause 134 provides, in effect, that there is no time limit on the bringing of proceedings for offences against Part III or the regulations. Clauses 135 and 136 are simply pieces of legal machinery, Clause 135 enables a court to take judicial notice of the signatures of the designated authority or his delegate and of the fact that a person is or has been the designated authority or a delegate. Clause 136 contains the usual provisions for substituted service. Division 7 contains transitional provisions and, in effect, enables existing interests to be preserved while at the same time providing the means for transferring an interest under the old Act to an interest under the new Act. Holders of interests under the old Act may surrender at any time and obtain an appropriate authority under this Act in order to carry on their operations.

Division 8 deals with fees and royalties generally. The fees for a permit are $100 a year or $5 a year for each block to which a permit relates, whichever is the greater (clause 141). The yearly fee for a licence is calculated at the rate of $3,000 for each of the blocks to which the licence relates at the commencement of the year in question (clause 142). The yearly fee for a pipeline licence is $20 in respect of each mile or portion of a mile of the length of the pipeline on the first day of the year in question (clause 143). Under clause 144 fees become payable within one month after, in the case of the first year of any term, the day on which that term commenced; in the case of any other year of the term, the anniversary of the day on which the term commenced.

Clause 145 imposes a penalty for late payment and clause 146 provides that any fee or penalty becomes a debt due to the State. Clause 147 is a fundamental clause by which the duty to pay royalty is made a condition of a permit or licence, and, subject to clause 148, is specified generally at 10 per cent of the value at the well head of the petroleum. It will be recalled that under clause 42 a special rate of royalty becomes payable under a secondary licence and this special rate is reflected in subclause (3). The percentage applicable in respect of petroleum recovered under a secondary licence supersedes the prescribed rate as from the commencement of the next royalty period after the day from which the secondary licence has effect (subclause (4)). Subclauses (5), (6) and (7) provide for the royalties applicable in respect of licences granted under clauses 47 and 51 and upon a renewal of the licence. As already mentioned the designated authority is given, by clause 148, the power to reduce in special cases the amount of royalty that would otherwise be payable under clause 147. He is empowered to do this when he is satisfied that recovery of petroleum from a well has become so reduced that further recovery would be uneconomic. Moreover, under clause 149 special remissions of royalty are authorized. Royalty is not payable in respect of petroleum that was unavoidably lost, or was used for the purpose of prospecting or recovery operations, or that has, with the approval of the designated authority, been flared or vented in connection with recovery operations. Where petroleum that has been recovered is, with the approval of the designated authority, returned to a natural reservoir, royalty is not payable in respect of that petroleum by reason only of that recovery but royalty will become payable when the petroleum is ultimately recovered from the natural reservoir to which it has been returned.

It has been stated several times that the value of petroleum for the purposes of this Act means value at well head and clause 150 indicates how the well head is to be ascertained. The well head is such valve station as is agreed by the permittee or licensee with the designated authority or, in default of agreement, as is determined by the designated authority.

Clause 151 is complementary to clause 150, and provides that the value at the well head is such amount as is agreed by the permittee or the licensee with the designated authority or, in default of agreement, as is determined by the designated authority.

Clause 152 provides machinery for the ascertainment of the quantity of petroleum recovered, for the purposes of the Act. That quantity is the quantity measured by an approved measuring device installed at the well head, or other approved place, or, where no such device is installed, it is the quantity determined by the designated authority as being the quantity recovered during any relevant period.

Clause 153 fixes the time by which royalty must be paid and proposes the usual penalty for late payment. Subclause (3) makes an allowance of seven days where the value of the petroleum is agreed or determined under clause 151. Clause 154 is a machinery provision which makes amounts payable under clauses 147 and 153 debts due to the State and recoverable in any court of competent jurisdiction.

Part IV is devoted entirely to clause 155, which confers the regulation making powers. They may be viewed under four heads: first, the generalized power under subclause (1) enabling His Excellency the Governor in Council to prescribe all matters that are required or permitted to be prescribed, or are necessary or convenient to be prescribed, for carrying out or giving effect to this Act; secondly, subclause (2), which contains a number of specified powers which take effect without affecting the generality of subclause (1); thirdly, regulations that enable the State to ensure that it carries out or gives effect to the Convention in the First Schedule; and, lastly, subclause (4) which enables appropriate penalties to be imposed for non-compliance.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

BUILDERS LICENSING BILL

In Committee.

(Continued from October 25. Page 2978.)

Clause 4—"Interpretation."

The Hon. R. C. DeGARIS: I move:

To insert the following new definition:

"Building" means any building of a permanent nature used or intended to be used for residential, professional, manufacturing, trading, commercial, hospital, institutional, assemblage or public purposes:

First, I wish to refer to the Chief Secretary's speech winding up the second reading debate.

The Hon. A. J. SHARD (Chief Secretary): A point of order, Mr. Chairman. This Bill is now in the Committee stage. If we are to start this week by making comments on the Bill we shall not finish.

The Hon. R. C. DeGARIS: I hope I shall be allowed to continue discussing the definition of "building work", to which my amendment is directly related. The Chief Secretary said that honourable members had displayed a colossal ignorance in relation to this Bill.

The Hon. A. J. SHARD: A point of order, Mr. Chairman. If we allow this kind of debate upon a clause we shall not finish the Bill.

The CHAIRMAN: There is no point of order. The Leader has moved an amendment and he is at liberty to speak to it.

The Hon. R. C. DeGARIS: I hope the Chief Secretary can give me further information that will help me make up my mind whether my amendment should proceed. "Building work" is defined as follows:

"Building work" means work in the nature of—

(*a*) the erection, construction, alteration of, addition to, or the repair or improvement of any building or structure;
or

(*b*) the making of any excavation, or filling for, or incidental to, the erection, construction, alteration of, addition to, or the repair or improvement of any building or structure.

There is no definition of "building". In order to bring the whole Bill into some composite shape it is necessary to define "building". The term "building work" is used in relation to classified trades, and it was stated that honourable members were unaware of the definition of "building work". I said that the definition of "building work" without a definition of "building" would mean that in clause 21 a person who erected a windmill could be brought under the control of this legislation by his being in a classified trade, the classified trade possibly being steel prefabricating. There is no colossal ignorance about this matter.

If there is no definition of "building" a person who prefabricates steel for a structure will come right within the operation of this Bill. I ask the Chief Secretary whether he agrees with this opinion and I ask him to see who is displaying a colossal ignorance in relation to this Bill. It is very necessary that a definition of "building" be included in clause 4. The word "building" is used in clause 21, and it has a very wide meaning. Further, in clause 4 the word "building" is used, and also the word "structure", which gives "classified trades" an even wider application, and drags in all the things to which honourable members drew the Chief Secretary's attention. My amendment restricts the Bill's operation to the very things the Government wishes to control and does not give it the very wide application that clause 4 at present gives it.

The Hon. A. J. SHARD: The purpose of defining "building work" was to provide a basis for licensing and to enable the legislation effectively to draw a distinction between a general builder's licence, which would authorize the holder to carry out building work of any kind, and a restricted builder's licence, which would authorize the holder to carry out building work within classified trades. It is for this reason that a power is conferred on the Governor to make regulations. "Building work", if we forget "work", would cover the Leader's amendment. We want the definition of "building work" to be wide enough to cover any work in connection with building.

The Hon. R. C. DeGaris: Or a structure.

The Hon. A. J. SHARD: Yes. The proposed definition would have the effect of narrowing not only the definition but also the application of this legislation. It is not clear what "building of a permanent nature" means or what the definition is intended to achieve. An iron garage, if well built, could be just as permanent as, if not more permanent than, a brick house.

The purpose of the definition in the Bill as introduced is to provide a broad basis for classifying building work into classified trades for the purpose of granting restricted builder's licences. Building work will be classified only for such trades as are intended to be brought under control.

The Committee divided on the amendment:

Ayes (15)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 11 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS: I move:

In paragraphs (*a*) and (*b*) of the definition of "building work" to strike out "or structure".

According to the dictionary, "structure" can include almost anything. I do not think this Committee would want every structure of every possible kind to be brought under this legislation.

Amendments carried; clause as amended passed.

Clause 5—"The board."

The Hon. F. J. POTTER: I move:

In subclause (4) to strike out "four" and insert "five".

This is an important first step in my series of amendments. I consider that it is desirable to increase the size of the board to five members. Under the Bill as it stands, a decision of the board could, in effect, be made by two people. For instance, it could be made by the legal practitioner (the chairman, who has a casting vote) and the accountant.

The important point is: if the amendment is carried, who will be the extra person? I suggest he should be a resident of the State who is a member of the Institution of Engineers of Australia, and that he should be selected by the Governor from a panel of three names chosen by the governing body of the South Australian division of that institution. This is the most satisfactory person to be a member, because he will need to have in his professional capacity as an engineer substantial knowledge of and experience in the building industry. This would give the board a quorum of four.

The Hon. A. J. SHARD: I oppose the amendment. This provision has been agreed to by all parties concerned. It was agreed between the Government and the employers and employees that the board should be completely independent and that its members should not represent any trade organization. If the amendment is successful the agreement will be broken. The vote on this amendment will constitute a test for the subsequent amendments to this clause. The Government is not prepared to accept this or succeeding amendments.

The Committee divided on the amendment:

Ayes (15)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 11 for the Ayes.

Amendment thus carried.

The Hon. C. M. HILL: I draw the Committee's attention to the part of subclause (4) which states:

. . . who have in their respective professional capacities substantial knowledge of and experience *in* the building industry.

This is a qualification that is being written into the measure. I ask the Chief Secretary whether the Government considers that the legal practitioner, who shall be the first appointed and who shall be the Chairman, could be found in Adelaide, because the Bill states that the legal practitioner must have substantial knowledge of and experience in the building industry.

The Hon. Sir Arthur Rymill: The word "in" is significant. The Bill states not "experience of" but "experience in".

The Hon. C. M. HILL: Yes. It would appear that only a legal practitioner who was

an employee of the Master Builders Association would be eligible. I raised the point to assist the Government in making the best appointment as Chairman. It must be a particularly good choice, because this person must play a responsible role and a certain amount of independence will be required of him.

The Hon. S. C. Bevan: Have a look at the appeals clauses in the Planning and Development Act?

The Hon. C. M. HILL: This provision was not inserted in that legislation. We would have had something to say had it been written into that measure, because we did not want someone who had professional planning knowledge. I ask the Government to reconsider this point, because the clause as drafted must restrict the range of legal practitioners the Government may consider for this very important office. I doubt the necessity for these words, because apart from their application to the first appointee they must be applied to the second appointee, who must be a resident of this State who is a member of the South Australian Chapter of the Royal Australian Institute of Architects. It is obvious that such a person would have a specialised knowledge of and experience in the building industry.

The third appointee is to be a resident of this State who is a corporate member of the Australian Institute of Builders. Obviously such a person must possess the qualifications that I am querying.

I admit that some relevance would apply to the fourth member, who must be a resident of this State who is a member of the Institute of Chartered Accountants in Australia or in the Australian Society of Accountants. I think the words I have been speaking of should be struck out and the words "wherever possible" should be added. I should like the Chief Secretary to comment on that proposal.

The Hon. A. J. SHARD: The honourable member's question was whether the Government could find such a person. The Government is confident it can.

The Hon. Sir ARTHUR RYMILL: That answer deals with only a small part of the questions raised by the Hon. Mr. Hill. I do not think the words "wherever possible" should be added, because they might restrict the appointment to one practitioner who might be unsuitable. I do not think the words are necessary.

The Hon. F. J. Potter: They would become even less necessary if my amendment is carried; I am speaking of the panel of names.

The Hon. Sir ARTHUR RYMILL: Naturally the architect would have sufficient experience, and of course the builder must have that experience. That leaves the legal practitioner and the chartered accountant. I think it would be inhibitory on any Government to have to find a legal man experienced in the building industry. It may be bound to a totally unacceptable person. Normally, the chairman is a kind of balancing person who need not know anything about the building industry any more than a judge needs to know anything about a case he is to try before it comes to him. It is often an advantage not to know.

Perhaps auditors have acted as accountants for a building company, but that does not mean they would have a knowledge of the industry. I would like to know why the Government considers such knowledge and experience necessary. As the newspapers have stated, the whole nature of the board has been altered in another place and these words could be a survival of something that should have been struck out, but nobody has noticed it before.

The Hon. A. J. SHARD: The Government's intention was to have people with a knowledge of the trade, and that is why the provision was inserted. The Government thinks it can find suitable people for the job.

The Hon. F. J. POTTER: The Hon. Mr. Hill has not moved an amendment to delete those words, but if he does so I will support it. I think it would be difficult to find a legal practitioner who has experience in and substantial knowledge of the building industry. Many legal practitioners have had experience in drawing contracts, and some have acted as counsel in building disputes in court. However, both instances would be a far cry from having a substantial knowledge of and experience in the building industry.

The Hon. Sir Arthur Rymill: Also, this man has to be the chairman. That narrows it again.

The Hon. F. J. POTTER: Yes. I, too, think the words are a relic of the Bill as originally drafted. The board has been reconstituted, and I think these words have been overlooked. I have a suggestion that I think will overcome the problem as it affects the four members of the board other than the chairman. I shall propose that the Governor in each case (other than the chairman), shall make the appointments from a panel of three names to be submitted by each institution concerned. Obviously, the people placed on the panel will be selected by the respective institutions because of their wide knowledge

of the building industry. In the case of the accountant it may not be a substantial knowledge and experience, but I think a body such as the Institute of Chartered Accountants or the Australian Society of Accountants would obviously select three people best able to perform this function. The same applies to the other members.

The Hon. C. M. HILL moved:

In subclause (4) after "Governor" to strike out "who have in their respective professional capacities substantial knowledge of and experience in the building industry and"

Amendment carried.

The Hon. F. J. POTTER: I move:

In subclause (4) (*b*) after "Architects" to insert "and selected by the Governor from a panel of three names chosen by the governing body of that chapter".

I need not explain the merits of this amendment. It is in line with what we did in the town planning legislation.

Amendment carried.

The Hon. F. J. POTTER moved:

In subclause (4) (*c*) after "Building" to insert "and selected by the Governor from a panel of three names chosen by the governing body of the South Australian Chapter of that Institute"; and before paragraph (*d*) to strike out "and".

Amendments carried.

The Hon. F. J. POTTER moved:

In subclause (4) (*d*) after "Accountants" to insert "and selected by the Governor from a panel of four names chosen jointly by the council of the South Australian Division of the Australian Society of Accountants and the council of the South Australian Branch of the Institute of Chartered Accountants in Australia"; and after paragraph (*d*) to insert "and".

Amendments carried.

The Hon. F. J. POTTER: Before I move my next amendment, I ask leave to alter the wording of new subclause (5) to read "If the Minister has given to a governing body referred to in paragraph (*b*), paragraph (*c*) or paragraph (*e*) of subsection (4) . . ."

Leave granted.

The Hon. F. J. POTTER moved:

After subclause (4) to insert the following new subclauses:

"(5) If the Minister has given to a governing body referred to in paragraph (*b*), paragraph (*c*) or paragraph (*e*) of subsection (4) of this section notice in writing requiring that body, within a time specified in the notice (being not less than two weeks), to submit to the Minister a panel of three names chosen by that body for the purposes of the appointment of a member under that paragraph and that body fails to submit the panel to the Minister within the time so specified, the Governor may, on the recommendation of the Minister, appoint a suitable person as a member in place of the person referred to in that paragraph.

(6) If the Minister has given to the councils of the South Australian Division of the Australian Society of Accountants and the South Australian Branch of The Institute of Chartered Accountants in Australia notice in writing requiring those councils, within a time specified in the notice (being not less than three weeks), to submit to the Minister a panel of four names chosen jointly by those councils for the purposes of the appointment of a member under paragraph (*d*) of subsection (4) of this section and those councils fail to submit the panel to the Minister within the time so specified, the Governor may, on the recommendation of the Minister, appoint a suitable person as a member in place of the person referred to in that paragraph."

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—"Proceedings of the board."

The Hon. F. J. POTTER: I move:

In subclause (3) to strike out "Three" and insert "Four".

This is consequential on the amendments we have just passed.

Amendment carried; clause as amended passed.

Clauses 8 to 12 passed.

Clause 13—"The advisory committee."

The Hon. F. J. POTTER: I move:

To strike out subclause (10).

The purpose of this amendment is to make this advisory committee an unpaid one. There was much debate about the need for this committee. In the second reading debate I expressed doubt whether or not this committee was needed at all. However, on further reflection, I see that it can fulfil a useful function; indeed, it will be necessary because the board will be referring to it certain matters for advice. Its powers are limited. The difficulty envisaged by some honourable members in subclause (2), where the number of members is not shown nor are their designations given, will be largely overcome by making this a purely advisory committee without pay.

The Hon. A. J. SHARD: I oppose the amendment, which seeks to strike out the provision that would entitle members of the advisory committee to receive remuneration and allowances at rates fixed by the Governor.

It is only right that persons who are to discharge duties in the natue of those expected of members of the advisory committee should be reimbursed for expenses incurred in so doing, and should be remunerated for their services.

The Hon. R. C. DeGaris: This could be done by regulation now.

The Hon. A. J. SHARD: Possibly; I think under the regulations we could do it, but we want to specify the remuneration. There are many committees connected with various Government departments doing valuable work for which they are not overpaid. Irrespective of Party or Government, we do not want to overload these committees more than is necessary. Over the years they have been underloaded. The members would have to leave their place of industry to attend meetings. It could be done by regulation but a Government of either Party would think twice before making provision for allowances or remuneration by regulation if Parliament said it should not. Members of boards do much work for the Government and for the State as a whole, and some of them are considerably underpaid. I ask the Committee not to carry the amendment.

The Hon. F. J. POTTER: The Electrical Articles and Materials Act Amendment Bill was recently before the Council, and there was no provision in it for any payment; consequently, I see no reason why we should provide differently here. Members of the advisory committee would be only too happy to give their services without fee. The Government could, by regulation, provide for payment of out-of-pocket expenses incurred by committee members; indeed, I think the clause makes it clear that regulations may be made "regulating and prescribing the practice and procedure of the advisory committee and providing for such matters as are necessary or convenient for the proper functioning of the advisory committee". This would cover the out-of-pocket expenses of members. However, the clause as it stands goes further than this: it provides for remuneration.

The Hon. C. M. HILL: A point that worries me is that the Bill does not stipulate the maximum number of members of the committee. When one considers the great variety of trades and other interests, such as merchants, within the building industry, one realizes that if each of these interests comes forward and says, "We should like to have representation on the advisory committee", the committee may grow to include a considerable number of members.

The Hon. F. J. Potter: That may not necessarily be bad.

The Hon. C. M. HILL: I agree; such a possibility is envisaged, because subclause (9) states that subcommittees may be established "as may be approved by the Minister". So, the question of costs may eventually arise, and this cost may be substantial.

The Hon. F. J. Potter: It may be an inhibiting factor in respect of appointing more members.

The Hon. C. M. HILL: This Committee has increased the board's size by one, and this will mean greater cost; remuneration at this level is entirely different, because the board is the governing body of the whole industry. I point out that the actual work of the advisory committee is rather indefinite. When I first read the Bill I thought the committee would consider matters and then pass them up to the board, but on re-reading the Bill I realize that this will not happen. Clause 7 (8) states:

> The board may refer any matter to the advisory committee for its consideration and recommendations and shall have regard to, but is not obliged to give effect to, the recommendations, if any, made by the advisory committee.

Clause 13 (9) states:

> The advisory committee shall consider and make recommendations to the board on such matters as are referred to it by the board . . .

So, one wonders whether, once the licensing of builders has settled down, much work will be given to this advisory committee. In these circumstances it will be awkward to fix the remuneration because it will have to be based on the amount of time and work involved. I do not object to out-of-pocket expenses being paid, but I have grave doubts concerning remuneration being paid.

The Hon. Sir NORMAN JUDE: Can the Chief Secretary say whether any other piece of legislation contains a similar prescription regarding the number of members and their payment?

The Hon. A. J. SHARD: Not offhand. The wages board set-up under the old Industrial Code contained the same verbiage regarding remuneration and expenses; the Hon. Mr. Rowe would remember this. Members of wages boards received a certain sum of money to cover their remuneration.

The Hon. F. J. Potter: It was on a sitting basis.

The Hon. A. J. SHARD: Yes. The advisory committee as a whole would not have to meet very often; it would set up subcommittees of people in a particular trade and refer matters to them. What has often happened is that the fee has been fixed for each meeting. I visualize that the board may want something and ask the advisory committee to fix it; the advisory committee will realize that the matter concerns a particular subcommittee. I cannot see the advisory committee meeting on everything put to it. The amount of money involved is not large and I should like to see the provision remain in the Bill.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15—"General builder's licence."

The Hon. A. J. SHARD: I move:

In paragraph (*c*) of subclause (3) after "licence" to insert "or if the body corporate has been incorporated or the partnership has been formed outside the State, that an individual residing in the State, who is the holder of a general builder's licence, is the manager or agent in this State of the body corporate or partnership".

The amendment is designed to allow any body corporate that has been incorporated or any partnership formed outside the State to obtain a general builder's licence if it has a resident manager or agent in this State who is the holder of such a licence. The Government thtinks that while the existing provisions of paragraph (*c*) requiring at least one of the directors of the body corporate or at least one of the partners in the partnership to be the holder of a general builder's licence could well apply to locally incorporated or formed corporations or partnerships, there could be difficulties of application of those provisions to corporations or firms incorporated or formed outside South Australia.

The Hon. R. C. DeGARIS: I support the amendment. I would just like to say that it is amazing how many amendments have come on file since honourable members spoke on this Bill with such colossal ingnorance!

Amendment carried.

The Hon. A. J. SHARD: I move:

In subclause (4) after "days" to insert "or such longer time as the board may, on application, allow,".

This amendment is designed to give a corporation or partnership that loses its director or partner who holds the requisite licence qualifying it to be the holder of a general builder's licence extra time to enable another director or partner to obtain the requisite licence to enable it to continue as the holder of a general builder's licence.

Amendment carried.

The Hon. A. J. SHARD: I move:

In subclause (4) after "licence" second occurring to insert "or if the body corporate has been incorporated or the partnership has been formed outside the State, the body corporate or partnership has for a like period no manager or agent residing in the State who is the holder of a general builder's licence,".

This is consequential on the amendment we have just carried.

Amendment carried; clause as amended passed.

Clause 16—"Restricted builder's licence."

The Hon. A. J. SHARD moved:

In paragraph (*c*) of subclause (3) after "licence" second occurring to insert "or if the body corporate has been incorporated or the partnership has been formed outside the State, that an individual residing in the State, who is the holder of such a restricted builder's licence or a general builder's licence, is the manager or agent in this State of the body corporate or partnership".

Amendment carried.

The Hon. A. J. SHARD moved:

In subcluse (4) after "days" to insert "or such longer time as the board may, on application, allow,".

Amendment carried.

The Hon. A. J. SHARD moved:

In subclause (4) after "licence" third occurring to insert "or if the body corporate has been incorporated or the partnership has been formed outside the State, the body corporate or partnership has for a like period no manager or agent residing in the State who is the holder of such a restricted builder's licence or of a general builder's licence,".

Amendment carried; clause as amended passed.

Clauses 17 to 19 passed.

Clause 20—"Powers of board in dealing with applications, etc."

The Hon. F. J. POTTER: I move:

In paragraph (*b*) of subclause (1) after "documents" to insert "relevant to the matter before the board".

The Committee will notice that these words in fact appear in paragraph (*c*), where the board is empowered to inspect any books, papers and documents produced and to make copies of or extracts from matters therein that are relevant to the matter before the board. However, under paragraph (*b*) as it stands the board can compel the attendance of a witness and may require the production of any books, papers or documents. This seems to me to go so far as to compel, for instance, bankers to produce bank accounts of their customers

or solicitors to produce documents that they may have in their possession concerning their clients' affairs. I do not think the board ought to be allowed to embark on a fishing expidition concerning a person's financial status or personal affairs. I consider that justice would be done if, in fact, this requirement were limited to matters relevant to an inquiry before the board.

The Hon. A. J. SHARD: I do not object to the principle underlying this amendment. However, would the Hon. Mr. Potter be prepared to substitute "inquiry" for "matter" in his amendment?

The Hon. F. J. POTTER: Yes, I would be happy to do so. Mr. Chairman, I seek leave to amend my amendment by striking out "matter" and inserting "inquiry".

Leave granted; amendment amended.

Amendment as amended carried; clause as amended passed.

Clause 21—"Offences."

The Hon. R. C. DeGARIS: I move:

In subclause (4) (*b*) to strike out "one" and insert "five".

Subclause (3) provides that a person shall not be able to carry out for fee or reward or undertake or submit a bid or tender to carry out any building work within a classified trade unless he is the holder of a general builder's licence or a restricted builder's licence. Subclause (4) provides that it shall be a defence if the total amount charged by him for the building work, inclusive of labour and materials, does not exceed $100. I realize that the classified trades will be defined by regulation, but as yet we have no knowledge of what these classified trades will be. The Chief Secretary indicated that they included brickwork, plastering, etc., but there has been no elaboration on the matter. No reason has been given why $100 has been chosen. That sum does not represent a great amount of work, particularly when one considers the definition of "building work", which has had only the words "or structure" struck out from it. The sum of $100 is too low a limit, although honourable members may not agree with the amount of $500.

The Hon. A. J. SHARD: The amendment would increase from $100 to $500 the value of building work within a classified trade that would escape the impact of subclause (3), thus equating a job that is wholly within a classified trade to the erection of a whole commercial or residential building. This is not justifiable. I oppose the amendment.

The Hon. C. M. HILL: What is the position regarding a handyman who carries out building work in various classified trades and who, I think, provides a very adequate service, especially in the metropolitan area, where minor maintenance on houses is essential work? Such a person is not a specialist in any classified trade. The Chief Secretary said that any particular classified trade had to be involved in this matter.

Could he comment on the position of a handyman who, I should think, would not be the holder of a restricted builder's licence, because he is not related to a specific classified trade. He should be considered. If such people come into this category, I think the amendment should be supported.

The Hon. A. J. SHARD: I understand that a handyman can do work up to a certain amount. If the limit is increased to $500, subclause (3) will not be effective.

The Hon. F. J. POTTER: The point at issue is whether the man provides only his own labour, in which case he is exempted, or whether he provides materials. If he provides materials (some paint, or a piece of timber or anything he uses in connection with repair work or with whatever he is doing), he comes within paragraph (*b*). The sum of $100 is too low, particularly where materials are involved. I support the amendment.

The Committee divided on the amendment:

Ayes (15)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 11 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS: I move:

In subclause (4) (*b*) to strike out all words after "dollars".

Under this provision, it is a defence if the amount charged, inclusive of labour and materials, does not exceed $500, and if approval in writing is given by a council of any plans, drawings or specifications in respect of such work is not required under the Building Act, 1923-1965. I cannot see why, just because an approval in writing is necessary from a council, the work should be restricted to a person holding a restricted

builder's licence. Why should these words be included?

Amendment carried.

The Hon. R. C. DeGARIS: I move:

In subclause (7) (*a*) to strike out "five hundred" and insert "one thousand".

It is provided that a person shall not knowingly construct, or cause to be constructed, a building for immediate sale. The defence to that is that the total cost "did not exceed $500". Once again, in this category of work the limit should be lifted.

Amendment carried.

The Hon. R. C. DeGARIS moved:

In subclause (12) (*b*) to strike out "five hundred" and insert "one thousand".

Amendment carried.

The Hon. R. C. DeGARIS: I move:

In subclause (16) after "the" first occurring to strike out "outside" and insert "site".

This subclause provides that "every holder of a licence shall install or erect in a prominent position on the outside of any building work" his sign. I do not insist on this amendment but I should like the Chief Secretary to inform the Committee whether "site" might be better than "outside". As he does not comment on this, I ask the Committee to support this amendment.

Amendment carried.

The Hon. R. C. DeGARIS: I move:

In subclause (20) to strike out "or imprisonment for six months".

This deals with the penalty for a person who supplies to the board in response to a notice referred to in a previous subclause any information which, to his knowledge, is false in any material particular or calculated to mislead the board. The penalty is $500 or imprisonment for six months. If we compare the penalties in this Bill with those inflicted for other misdemeanours, they appear to be excessive. A person, especially for a first offence, should not be subjected to imprisonment.

The Hon. A. J. SHARD: The penalty provided is, in the Government's opinion, not too severe for anybody who deliberately misleads or gives false information. All these penalties are left to the court's discretion.

Amendment carried; clause as amended passed.

[*Sitting suspended from 6 to 7.45 p.m.*]

Clause 22—"Board may obtain information from councils and enter building sites."

The Hon. C. M. HILL: I move:

To strike out subclauses (1) and (2).

I refer honourable members to the amendment to clause 20 made earlier today; clause 20 (1) (*b*) states:

By notice in writing signed as aforesaid, require the production of any books, papers or documents.

The books, papers or documents referred to are those relevant to a matter before the board. I think it is unfair for an officer of the board to enter the offices of a council to examine books, papers and records kept by the council, and it is unfair for any council employee who may hinder such a person to be liable to a penalty of $200. I see no reason why, if the board wishes to obtain information from a council, it should not write to the council for the information. It is empowered to do so under clause 20, and this practice is the proper one: it contrasts with the harsh practice provided in clause 22.

I referred earlier to the question of confidential matters discussed during council committee meetings; local government follows the practice of confidential committee procedure. In some councils minutes are kept of such committee meetings and it is essential for the proper working of councils that these minutes remain confidential.

The Hon. A. J. SHARD: The honourable member has drawn attention to an extreme situation, which I do not think will occur. This provision has substantially the same effect as that in the Western Australian legislation, which Opposition members approved. I oppose the amendment.

The Hon. R. C. DeGARIS: I support the amendment because I think the position is adequately covered in clause 20. I agree with the Chief Secretary that this provision in clause 22 has been taken directly from the Western Australian legislation. Whilst statements have been made approving that legislation, this is one matter in it that I do not approve. The Western Australian concept is to register only general builders, not all the classified trades involved in the building industry.

The Hon. S. C. BEVAN: I oppose the amendment. Clause 22 deals with a matter entirely different from that dealt with in clause 20. What will a council have to hide? The board will want information from a council relevant to an inquiry before the board. We all know that every council implements controls regarding building in its area; if a building does not comply with the regulations the council will not grant a building permit.

The Hon. R. C. DeGaris: Why can't it be done under clause 20?

The Hon. S. C. BEVAN: Clause 20 states that the board may:

(*a*) require, by summons under the hand of the chairman or of the secretary acting under the direction of the Board, the attendance of any witness;
(*b*) by notice in writing signed as aforesaid, require the production of any books, papers or documents;
(*c*) inspect any books, papers and documents produced before it and make copies of or extracts from matters therein that are relevant to the matter before the Board;

In addition to this, it may be necessary for further information to be obtained, and the only source of the information may be the council records. An inquiry may be being conducted by the board, and the board may have before it persons and documents in respect of a particular building; it may require further information, which can be obtained only from the council. Surely a council would not have any information that would be hush hush. The minutes of a council would not be made available to just anybody. The board would be interested only in matters relevant to it. The information would be obtainable only from the council.

The Hon. R. C. DeGaris: That is covered in clause 20.

The Hon. S. C. BEVAN: That is a matter of opinion. I say it is not covered in clause 20. Under the Act a person is licensed either as a building contractor or he has an intermediate licence. There are powers under clause 20 that require a person to produce his books. It is possible that the only information that the board could obtain would be from the council itself, which gives the permission for the building work to be carried out.

The Hon. Sir Norman Jude: The Minister of Local Government is going to give overriding powers to boards in this State. He should make that quite clear.

The Hon. S. C. BEVAN: The honourable member has tried to get me on this over and over again. Since I have been Minister of Local Government councils have had more consideration given to them than was the case before.

The Hon. Sir Norman Jude: It is no good scratching their backs now.

The Hon. L. R. Hart: That would be a matter of opinion.

The Hon. S. C. BEVAN: As far as the honourable member's opinion is concerned I could not care less, because in my opinion he could not lie straight in bed.

The Hon. L. R. HART: On a point of order, Mr. Chairman, I take exception to that remark. The inference is, of course, that I am dishonest. I believe that the Minister should withdraw that statement because it is quite improperly based.

The CHAIRMAN: I think the words in question are a personal reflection on the honourable member. I think the Minister is out of order.

The Hon. S. C. BEVAN: In deference to you, Mr. Chairman, and to honourable members I shall withdraw the remark. It is not a question of safeguarding the rights of councils themselves. Much is said in this Chamber about the rights of councils. In one instance members are the champions of the councils and say that no powers should be taken away from them, but when we are discussing another Bill an honourable member who was formerly championing local government will introduce amendments that will have the opposite effect. I am not being derogatory of the councils. There might be occasions where the only information that could be obtained could be from the councils.

The Hon. M. B. Dawkins: Wouldn't the councils give this information by letter if asked?

The Hon. S. C. BEVAN: Where is the authority? I have written to councils before and received negative answers and so, perhaps, have many other people. The amendment gives a right to the board of consulting the council on a matter into which the board is inquiring to get relevant information from the council.

The Hon. M. B. DAWKINS: I support the amendment. I am surprised to hear the Minister of Local Government supporting this portion of the clause, because I believe that all the information the board would require could be obtained under clause 20. I believe the board could use clause 20 as far as councils are concerned in the same way as individuals are concerned. I believe the councils are sufficiently responsible to provide the necessary information, but I do not consider that we have reached the stage where we are going to have a police state where any member or officer of the board can go into the council when it is open for busines or even when it is in session and demand to see the council's books and papers and hold what could appear to be a grand inquisition.

The Hon. A. M. WHYTE: The dealings of any council are written into the council's minutes and by perusing the minutes of any

council meeting anyone can ascertain the business the council had conducted.

The Hon. A. J. Shard: It doesn't make that provision. It refers only to a particular matter.

The Hon. A. M. WHYTE: It would still be in the minutes and be known by the clerk or the chairman possibly better than anyone else in the council. In clause 20 there is any amount of scope for the board to summons either of these persons, together with the miniutes, to ascertain any information it requires. It is most unnecessary that an officer of the board should have the right to walk into any council building and demand information in excess of what is required under clause 20. I support the amendment.

The Hon. C. M. HILL: Under clause 21, as I interpret it, the town clerk or district clerk of any council can be summoned to apper before the board, and if he fails to produce any books, papers or documents mentioned in the notice calling him before the board he may be liable to a fine of $200 or imprisonment not exceeding six months, or both. If the Minister is not satisfied with a measure such as that and if he is not satisfied with the measure in clause 20, when by notice in writing this information is required of a local council, then he is a hard man to satisfy.

All we are arguing about is the method by which the board should seek its information. We are not saying that it should not obtain or seek the information. The point is how that information is sought and obtained. By the amendment, an officer is prohibited from simply walking into a council chamber (incidentally, without notice, as he can do) and asking for and examining any record in that chamber.

We are trying to protect any officer of the council (perhaps a junior one) from a possible penalty of $200, because the amendment strikes out that portion of the clause. If a junior officer of the council hinders an inspector in that way, he can be liable for harsh treatment. Surely there is adequate opportunity for the board to obtain its information, first, by writing (under clause 20) and, secondly, if it does not get its desired result it can summons any member of the council (under clause 21).

The Committee divided on the amendment:

Ayes (13)—The Hons. M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 9 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 23—"Member of board not to divulge information."

The Hon. C. M. HILL: I move:

After "member" to insert "or officer".

This deals with the position of officers of the board and the confidences they should keep regarding the affairs of builders and people about whom they inquire. This clause should cover officers as well as members of the board.

Amendment carried; clause as amended passed.

Clause 24—"Effect of submission to arbitration of dispute concerning building work."

The Hon. A. J. SHARD: I move:

After "work" first occurring to insert "in the construction of any dwellinghouse or any building designed for residential flats or residential units (the total cost of the construction of which house or building does not exceed twenty thousand dollars)".

This amendment is designed to limit the application of clause 24 only to building work in construction of any dwellinghouse or building designed for residential flats or units the total cost of the construction of which house or building does not exceed $20,000. The Government is largely concerned with affording protection to the small house builder and feels that those who can afford the more expensive or commercial type of building are able to look after themselves.

Amendment carried; clause as amended passed.

Clauses 25 to 28 passed.

Clause 29—"Regulations."

The Hon. G. J. GILFILLAN: I move this amendment with a view to inserting a new subclause (2):

After "29." to insert "(1)".

The intention of the proposed new subclause is self-explanatory. My reason for it is that usually regulations are gazetted and immediately come into operation, but they can be disallowed at any time by either House of Parliament within 14 days after gazettal. Many honourable members have misgivings about some parts of the Bill, although they have passed them, with amendments. There is no concern about the main purpose of the Bill, the granting of builder's licences, but there is doubt about the restricted licences and the classified trades, which will affect many

country areas as well as a wide range of building practices in the metropolitan area. This new subclause, if approved, will mean, as I interpret it, that the regulations applying to this class of licence will not come into effect until after the expiration of 14 days from gazettal, which means that Parliament will have an opportunity of examining them in detail before they come into operation. This will allay the fears of many honourable members.

The Chief Secretary, of course, will probably say that this will, to some extent, delay the implementation of this part of the measure. That is true but, if we balance that against the reasonable protection given by it, there will be more argument for the amendment than against it, particularly as the builders will be licensed and will have the responsibility of keeping a close watch on the work done by classified trades within their employment. Any delay that may be occasioned by this regulation will not be significant, overall, particularly as we have gone so long without this type of control.

The Hon. A. J. SHARD: I oppose this amendment, the effect of which would be to delay the operation of this part of the Bill until 14 days after the next sitting of Parliament. Actually, it is worse than that, because people will not know what to do until the regulation is either approved or rejected by this Council. It is the second time today that we have been told that we can govern only when it suits the Opposition. Previously tonight on another Bill there have been three bites at the cherry by the Opposition to get over its point of view, regardless of the Government. We never had an amendment of this sort prior to this Parliament. Admittedly, it has happened once or twice in this Parliament but the Government has never agreed to such an amendment and will not agree to this one. We may be forced to by sheer numbers, but I will tell the people that members opposite are not prepared to trust a Government elected by the people.

After all the parties have been consulted and have agreed on the provisions of this Bill, if this amendment is carried (as undoubtedly it will be) it will mean that this part of the Bill will not be given effect to until the next Parliament, and then only if this Council agrees to it. Assuming that a Labor Government is returned at the next election, members opposite are saying, "Even after that, after you have been to the people, this Bill provides that you must approve of this part of it within this Chamber." If that is not getting towards a dictatorial State, I do not know what is.

If this amendment is carried, the public will be told about these things. We had a mandate to do what we did in the Industrial Code, but Opposition members have told the Government that it will do as they say. Now they are saying that even if the Labor Government is returned next year it cannot give effect to the regulations until after 14 days have elapsed after Parliament meets again. Everything that has been introduced by this Government has been painted in the worst possible light by members opposite.

The Hon. Sir Norman Jude: Are you suggesting that only one of 11 clauses is vital to the whole Bill?

The Hon. A. J. SHARD: This is a dictatorial amendment; never mind the honourable member. It ties up all the regulations, and the Bill could not function without regulations.

The Hon. R. C. DeGARIS: This amendment in no way delays the general purpose of the Bill.

The Hon. A. J. Shard: Tell that to the people outside: I will tell them something different.

The Hon. R. C. DeGARIS: The amendment allows Parliament to consider the regulations that will be framed under one section of clause 29, but other regulations can pass without Parliament considering them. We have received no information about the classifications into which the building work will fall. I see no great limitation to the ultimate effect of the legislation if the amendment is carried. The Government could immediately proceed to appoint a board and an advisory committee, and to register builders. This is pioneering legislation.

The Hon. A. F. Kneebone: And so is the amendment.

The Hon. A. J. Shard: An amendment such as this has never been done prior to this Parliament.

The Hon. R. C. DeGARIS: It was done before this Government came into office in the Local Government Act, and in the legislation dealing with electricians by agreement with the House of Assembly. This legislation, concerned with classifying trades, is pioneering legislation throughout Australia, in fact, I think it is pioneering legislation throughout the world, because I cannot find this type of legislation on the Statute Books anywhere. This Parliament has no knowledge of the trades into which the Government will classify the various building trades, but the amendment provides

for Parliament to consider what the classifications should be. It affects paragraph (i) only of the clause. The Western Australian legislation, dealing with the registration of builders, has not considered the question of classifying trades in the building industry, yet that State is happy with its present Act. The Opposition does not oppose registering builders, but it has to be assured that it is doing the proper thing by placing these controls on other classifications of a trade in the building industry, because this Parliament has no knowledge of what the classifications may be. A general builder's licence can be provided without delay but a hold up may occur on the question of a restricted builder's licence.

The Hon. S. C. BEVAN (Minister of Local Government): I know that the amendment is restricted to one section of the clause—

The Hon. C. D. Rowe: The Chief Secretary was under a misapprehension, and thought it applied to all parts of that clause.

The Hon. A. J. Shard: My attitude would be the same if it applied to half a clause.

The Hon. S. C. BEVAN: Trades in the building industry cannot be classified until the regulations are passed.

The Hon. R. C. DeGaris: You can still have a general builder's licence.

The Hon. S. C. BEVAN: Of course, provided the person meets the required standard as set out in the Bill. However, until regulations pass through both Houses others cannot be classified. I suggest to the Leader that he should look carefully at the Western Australian legislation, because that provides for registering journeymen builders.

The Hon. F. J. Potter: Journeymen builders do not apply here, because it is a different type of licence.

The Hon. C. M. Hill: A builder is not a subcontractor.

The Hon. S. C. BEVAN: I am not suggesting that. I know what a master builder is. Mr. DeGaris said that nowhere in Australia or in the world is there anything like this, but I submit that legislation is operating in Western Australia for the registration of journeyman builders. This provision is also in other measures; it is in the Local Government Act. A similar provision is in the Electrical Articles and Materials Act.

The Hon. R. C. DeGaris: It was not put in as a result of a conference.

The Hon. A. F. Kneebone: It was the result of a compromise at a conference. We would not have got the Act at all if we had not agreed to the compromise.

The Hon. S. C. BEVAN: Clauses dealing with regulations have been inserted since the Labor Government has been in office, but I ask honourable members to consider this amendment seriously because it will affect the operation of the Bill until some time next year when Parliament reassembles. If a regulation is then objected to by either House of Parliament it lies on the table until it is disposed of. This can have serious effects on the implementation of this Bill and I sincerely suggest to honourable members that they consider the matter carefully.

The Hon. G. J. GILFILLAN: To the best of my knowledge this Council has never unnecessarily delayed a regulation by continually moving adjournments. When a motion for disallowance has been on the Notice Paper, in some instances it has carried over for several weeks, but this has not been done deliberately: there has always been a legitimate reason. I know this is correct because I have been a member of the Subordinate Legislation Committee for some years. The argument that this section of the Bill, and this section only, will not operate until some time next year when Parliament reassembles is perfectly true; however, the protection that this amendment gives is all the more significant because Parliament will not be sitting again until some time next year.

We have no indication when Parliament will sit again but the fact remains that, under this complex portion of the Bill, where there is a multitude of trades with sharply conflicting interests, a regulation could be brought in and gazetted at any time, and it would operate for perhaps eight or nine months before an opportunity was given to Parliament to review it and before any aggrieved person could make submissions. Far from being obstructive, this amendment gives real consideration to the problems that will arise in the administration of the legislation. There will be sufficient problems in the main part of the legislation to keep the people concerned with its administration very busy for some time, and the practical experience they will thereby derive will be advantageous when it comes to administering this more complex part of the legislation dealing with classified trades.

The Committee divided on the amendment:

Ayes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan (teller), C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, S. C. Bevan, L. R. Hart, A. F. Kneebone, C. D. Rowe, A. J. Shard (teller), and C. R. Story.

Majority of 5 for the Ayes.

Amendment thus carried.

The Hon. G. J. GILFILLAN moved:

To insert the following new subclause:

(2) Without limiting the effect of the Acts Interpretation Act, 1915-1957, in relation to any other regulations made under this section, any regulation made under paragraph (i) of subsection (1) of this section shall—

(*a*) where no notice of a motion to disallow the regulation has been given in either House of Parliament within fourteen sitting days after the regulation was laid before such House of Parliament, take effect upon the expiration of the time when it has lain before both Houses of Parliament for fourteen sitting days;

and

(*b*) where any notice of motion to disallow the regulation has been given in either House of Parliament within fourteen sitting days after it was laid before such House of Parliament, take effect if and when such motion or all of such motions, if more than one notice has been so given, is or are negatived.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with further amendments.

Bill recommitted.

Clause 4—"Interpretation"—reconsidered.

The Hon. M. B. DAWKINS: I move:

In the definition of "building work" in subclause (1) after "purposes" to insert "but does not include any building intended solely for the business of primary production as defined in the Land Tax Act, 1936-1967."

This is to go in immediately after the amendment moved by the Hon. Mr. DeGaris this afternoon. I emphasize the word "solely", because my amendment intends to exempt buildings that are built for the purposes of housing animals, or for hay sheds, or for other types of farm building. The Government has already moved an amendment to apply the Bill only where the Building Act applies. The Building Act does not apply with any particular consistency in country areas: some councils have applied it only to the townships of their particular area, and others have applied it to the whole area.

So, in council A a farmer may be in the position where the whole of the Bill applies, and just across the road in council B, which has not applied the Building Act to the whole area, the farmer is free to go ahead and erect his farm buildings without any reference to the provisions of the Bill. My amendment is intended to rectify this anomaly: it will put all people in agricultural pursuits on the same level. I believe the amendment should be acceptable to the Government, as it moved an amendment exempting for the most part, if not almost exclusively, the rural areas.

Amendment carried.

The Hon. F. J. POTTER: I move:

In subclause (1) to delete the definition of "council".

The word "council" was used in only two parts of the Act: once in clause 21 (4) (*b*) (in a part of the paragraph that has been deleted by a previous amendment) and once in clause 22 (in words deleted by the Hon. Mr. Hill's amendment). So, there is a definition of a word no longer used in the Bill.

Amendment carried.

Bill reported with further amendments; Committee's reports adopted.

MINING (PETROLEUM) ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 1 without amendment, and to amendment No. 2 with an amendment.

Consideration in Committee.

The Hon. S. C. BEVAN (Minister of Mines): I move:

That the House of Assembly's amendment be agreed to.

The House of Assembly's amendment, which in proposed subsection (3a) after "shall" first occurring is to strike out all words and insert "set forth the provisions of sections 75 to 80 of this Act", clarifies the position and places the onus where it belongs because sections 75 to 80 of the Act deal with compensation and the rights of the landowner. The amendment protects the rights of landowners, because the company will have to specify those particular sections of the Act when a notice is sent to the landowner. The implementation of the amendment as it left this Chamber may have caused problems, and the House of Assembly's amendment improves the position.

The Hon. L. R. HART: As we do not have the House of Assembly's amendment it is impossible to study it. The Minister should report progress to enable us to study the implications of this amendment, because it involves five sections of the principal Act.

The Hon. S. C. BEVAN: Sections 75 to 79 deal with the entitlement of a landowner to compensation, and section 80 empowers the

Minister to cancel a licence if the action of the company justifies it. That deals with circumstances for which the honourable member originally moved the amendment. When a company forwards a notice of entry to a landowner it must include the provisions of sections 75 to 80 of the Act, so that the landowner is conscious of his entitlements. I thought the amendments had been circulated; as it appears that that is not so, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

The Hon. L. R. HART: I thank the Minister for reporting progress. At least some of us have had time to study the House of Assembly's amendment. Having considered it, I have no objection to it except that it does not go quite far enough. When I moved the original amendment, we had some difficulty with its wording and I was given leave to amend it. Even so, it did not clearly state my intentions. The House of Assembly's amendment still misses the point. It reads:

Every notice under this section shall set forth the provisions of sections 75 to 80 of this Act.

To give full effect to my intentions, I now move:

In the House of Assembly's amendment, before "sections" to insert "section 49 and".

I have discussed this with the Parliamentary Draftsman and apparently there is no bar to what I have proposed. I have also discussed it with the Minister and do not think he will raise any objection to it.

The Hon. S. C. Bevan: Don't you? You wait until I get up!

The Hon. L. R. HART: I thought the Minister would raise no objection to it.

The Hon. S. C. BEVAN: On a point of order, Mr. Chairman, I said to the honourable member, sitting alongside the Parliamentary Draftsman, "I will not accept the amendment; I will oppose it."

The Hon. L. R. HART: I shall not argue the point; we could discuss it. If the Minister wishes to oppose my amendment he may. The effect will be that the landowner will be given further information from the licensee about his full rights under this measure. Section 49, which I am proposing to add to the House of Assembly's amendment, deals with the landowner's right to refuse admission to the licensee, which is important. However, even if the landowner does refuse admission to the licensee, the licensee may then appeal to the Minister, and the Minister after hearing the case can give his consent either unconditionally or on such conditions, not inconsistent with this Act or the regulations, as he thinks fit. It is essential that the landowner be given an indication of his full rights, not only in relation to compensation but also as regards being able to refuse entry if he thinks damage will be done to his land and crops.

The Hon. Sir NORMAN JUDE: This afternoon the Minister was good enough to report progress because he had not realized that we did not have the amendment on our files. Although the Hon. Mr. Hart seems to have secured a copy, no other honourable member appreciates the finer points of the amendment, and now we are faced with an amendment to the amendment! The Minister will agree that it is unreasonable to expect honourable members to take a lively interest in these affairs when we have no copies before us. Can the same courtesy be accorded us again so that we may be provided with copies of the amendment?

The CHAIRMAN: Progress was reported to give honourable members a chance to study this amendment. Only a limited number of copies is available. It is not possible to get printed copies on the same day; they will not be available until tomorrow. It appears to be a comparatively simple amendment for anyone to examine, but that is not for me to judge. No blame attaches to anybody for copies not being available now: there is nobody here to make them available. There are two copies on the Clerk's table if honourable members care to look at them.

The Hon. S. C. BEVAN: I made some copies of the amendment available to honourable members. The present practice has been carried out for many years in this Parliament. I told the honourable member that I would oppose his amendment, because it would impose burdens and would affect exploration. In the circumstances, I ask that progress be reported.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (METROPOLITAN MILK SUPPLY, FOOD AND DRUGS AND HEALTH) BILL

Received from the House of Assembly and read a first time.

ACTS REPUBLICATION BILL

Received from the House of Assembly and read a first time.

TRUSTEE ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It widens the power of investment of trustees in two respects: first, by empowering them to lend on the short term money market and, secondly, by providing that a trustee may lend on real estate to an extent exceeding the present limit of two-thirds of the value of the property where the loan is the subject of insurance with the Commonwealth Housing Loans Insurance Corporation. Clause 3 of the Bill deals with the first matter by the addition of a new paragraph to section 5 (1) of the principal Act setting out authorized trustee investments. The new paragraph will enable trustees to lend to dealers in the short term money market approved by the Reserve Bank on condition that the dealer hands to the trustee a safe custody receipt issued by the bank for Government securities held by the bank and directs the bank to hold the securities on behalf of the trustee. Alternatively, the loan may be made to the dealer on the security of a commercial bill of exchange which has been accepted by a proclaimed bank.

The object of listing authorized investments for trustees is, of course, to protect both beneficiary and trustee in the event of loss. A trustee is exonerated from loss arising from authorized investments provided, of course, that he has not been negligent, and a beneficiary is protected from loss arising through investments in securities of doubtful value. The short-term money market is a safe form of security so long as the conditions laid down in the Bill are observed and provides a remunerative form of investment for trust moneys that may be available for only a short period. Instead of investing directly in Government securities which are authorized investments, a trustee will be empowered to lend money on favourable terms for a short period with the guarantee that his loan is covered adequately by Government securities held by the Reserve Bank on his behalf. A secondary effect will be greater mobilization of resources actually held in Government securities, thereby contributing to the finance for governmental works programmes.

The other amendment is made by clause 4 of the Bill. Although section 5 (1) of the Trustee Act authorizes investments in real estate, section 10 provides that a trustee may be guilty of a breach of trust if he lends more than two-thirds of a properly made valuation of the property and, consequently, liable for any loss on realization to the extent of the excess. Under the Commonwealth Housing Loans Insurance Act 1965, the Housing Loans Insurance Corporation thereby established is empowered to insure lenders against losses arising out of loans made by them in respect of house properties—the corporation under such a policy of insurance issued by it binds itself to make good to the lender the amount by which all sums owing (including agreed expenses for repairs and maintenance) exceed the proceeds of sale of the mortgaged property.

In these circumstances there seems to be no reason why trustees should not be empowered to lend up to the limit of the insurance on an insured property, whether or not the amount lent exceeds the limit of two-thirds applicable in the ordinary case. Clause 4 so provides. A substantial advantage of this provision will be an increased mobilization of financial resources to contribute to financing high-ratio loans for housing purposes.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

INDUSTRIAL CODE BILL

(Continued from October 26. Page 3076.)

The Hon. H. K. KEMP (Southern) moved:

That the Bill be recommitted and consideration be given to an amendment to clause 85.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I would not have thought that I would see the day in this Chamber when we would have three bites of the cherry. This motion is directed at a clause other than clause 85, that is, at the effects of clause 5. Today, I have been involved for most of my time in trying to meet requests in regard to this matter not only from members of this Chamber but also from those of another place. I do not oppose the recommittal, but people who uphold the honour of this Council should consider whether they are acting properly in this matter, because this action is doing more to ridicule this Council than anything that has been done by the Party to which I belong. The Hon. Mr. Kemp said in his second reading speech that the amendment to clause 5 would go through even if he stayed on his feet all day. Now he is starting again, despite my patient explanation

of the Constitution regarding the Commonwealth commission and the State commission. I received the support of members twice previously in this regard, but the honourable member now attacks again, although I had gone as far as I could go to appease him about the matters that worried him. I would not oppose the recommittal, but I draw the attention of honourable members to what they are doing to the honour of this Council by their behaviour.

Motion carried.

Bill recommitted.

Clause 85—"Provisions for preventing overlapping of awards"—reconsidered.

The Hon. H. K. KEMP: I move:

After "committee" first occurring to insert "(*a*)".

This amendment is moved to enable me to insert the following words at the end of the subclause:

(*b*) An employer who is named as a party to or is otherwise bound by an award of the Commonwealth Conciliation and Arbitration Commission in respect of agriculture shall not be subject to any award or order of the commission or a committee relating to the same industry.

In discussing this clause it became obvious that some of the material before the Committee was erroneous. A large sector of the agricultural industry is answerable to Commonwealth awards, but they apply to the employers cited and to members of the Australian Workers Union employed by them. However, under this Bill a common rule includes all employees, whether members of a union or not, whether they wish to become a unionist or not, and whether they are cited or not, as soon as the award is made.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I resent the implication that matters put before this Committee were erroneous: if they were, they were submitted by the honourable member and not by me. However, he has just said something that was erroneous. An employer covered by a Commonwealth award, and who is a respondent to a Commonwealth award, cannot be included in a State award on the same matter.

The Hon. G. J. Gilfillan: In the same industry?

The Hon. A. F. KNEEBONE: Yes.

The Hon. H. K. Kemp: Two authorities differ on this.

The Hon. A. F. KNEEBONE: I do not know what authorities were obtained by the honourable member, but I have been involved in industrial matters for many years, and that has always been the position. No doubt a prominent member of the honourable member's Party from another place is behind this move, and I told him that, if he doubted the situation between awards of the Commonwealth and the State, we would include certain words. This amendment, however, does not include the words that were suggested to me and which I agreed would interpret the situation constitutionally concerning a State and a Commonwealth award.

To be able to talk about this properly I must refer to a subsequent amendment. If this kind of situation is going to continue, how will we get legislation through this Council? This is a shameful way of dealing with legislation, and I urge honourable members who supported me previously to stick to their guns and support me again this time, not to change their minds after they agreed to support my interpretation of the situation.

This situation exists all over Australia in regard to the agricultural industry. It has not caused the problems in other States that honourable members seem to fear will occur here. The people who spoke to me today have said how it will affect themselves and a few other people: they seem to be thinking about their own personal positions rather than about the benefit of the majority of the people in the industry. Surely in South Australia, where such good industrial relationships exist between employers and employees, we have enough faith in the commission and in the workers for us to support what I have asked the Committee to support previously.

The Hon. H. K. KEMP: The crux of this matter is that the Commonwealth award applies only to a member of the Australian Workers Union employed by a cited employer. In the event of a common rule application we could have two awards affecting the one employer, where he has other than A.W.U. members employed. This is bad enough, but the application of the common rule goes further than this. I do not think there is any doubt about the point I put my finger on—

The Hon. A. J. Shard: I could put my finger right on the honourable member's point if I let my hand go.

The ACTING CHAIRMAN (Hon. C. R. Story): I ask the Chief Secretary not to do so.

The Hon. H. K. KEMP: Any 20 members of a trade union can apply to our Industrial Commission for a common ruling covering that industry.

The Hon. A. F. Kneebone: They do not have to be members of a trade union.

The Hon. H. K. KEMP: Normally they are trade unionists. They can apply for this common rule to be applied throughout the State, whereupon the Industrial Code becomes the rule for the whole of the State, regardless. It binds the employers as well as all employees in the industry. It applies to the whole industry. My responsibility is only to the people I represent. I am sure I am doing the right thing in bringing this forward again.

The Hon. A. F. KNEEBONE: I must correct the honourable member again. He says that, if 20 members join a union and apply for a common rule, that rule then applies to everybody in the industry. However, I point out that the common rule can apply only to people not covered by a Commonwealth award. This is the point, but the honourable member does not seem able to get it. The only person giving erroneous information to the Committee is the honourable member. Any 20 people can approach the court and ask for an award; they do not have to be trade unionists. This has happened on more than one occasion.

The Hon. R. A. Geddes: Do they have to be members of any organization?

The Hon. A. F. KNEEBONE: No; they have only to work within the industry. This is right; this is not compulsory trade unionism. If 20 people apply, or a certain percentage, the commission will hear the application. If the Committee blocks these people from approaching the State Industrial Commission, which is a reasonable body—I am not saying the Commonwealth commission is not reasonable—there is nothing to stop the organization they belong to from serving a log of claims, and bringing them under a Commonwealth award. The honourable member is trying to block them from going to the tribunal to get a reasonable decision. Is he afraid that his people cannot put a proper case before the commission, or that the people who represent the workers can put a better case than his people can? If he is afraid of this, then they must be able to put a better case, and there must be something to hide. I ask the Committee to reject the amendment, because it goes even further than what was suggested to me on previous occasions as a compromise. I ask that the honourable member abide by the previous decision on this matter. This is another bite of the cherry, of which he has already had two bites.

The Hon. H. K. KEMP: The Minister, by refusing to comment on the fact that the Commonwealth award covers only A.W.U. members, has proved my argument.

The Hon. R. A. Geddes: It sets a rule of thumb.

The Hon. G. J. Gilfillan: The Minister said you could not have another application covering the same matter.

The Hon. H. K. KEMP: All the amendment does is underline that this cannot be applied to an employer who has been cited under the Commonwealth award. One three-thimble trick occurring here is in the failure to bring to the notice of the Council that a non-unionist cannot participate in a Commonwealth award.

Although clause 85 partially and obscurely states there is no overlap between the two codes, this amendment spells it out in detail that, if the Commonwealth award has been granted, this provision will not apply in that industry. It is no great modification. The very fact that the Minister is fighting it so bitterly should raise suspicions that there is more to this than meets the eye.

The Hon. D. H. L. Banfield: It only shows that the honorable member will not accept the position.

The Hon. H. K. KEMP: This is only partial protection. It will protect the people who have been cited under the Fruit Industry Award, but it will not protect other smaller agricultural industries. If both sections of the amendment are carried it will ensure that where a Commonwealth award operates there shall be no interference from the State Industrial Code. Clause 85 provides a hazy protection. Commonwealth awards apply only to unionists; non-unionists do not come under them. The State Code will cover all agricultural workers not covered by a Commonwealth award.

The Hon. A. M. WHYTE: The Hon. Mr. Kemp realizes that a State award cannot supersede a Commonwealth award. He is concerned that two people on a property could be employed under two different awards.

The Hon. A. J. Shard: That cannot happen in any State.

The Hon. A. M. WHYTE: This is not quite right. It can happen. However, the roping-in action that the Minister mentioned is possible and it can, of course, bring in everyone if the A.W.U. so desires. The amendment is to ensure that there will not be the humbug of having on one property two people employed under different awards.

The Hon. G. J. GILFILLAN: The Minister said he must oppose the amendment because the Bill had been recommitted three times, but I hope he will reconsider and treat the amendment on its merits. The Commonwealth Award covers members of the A.W.U. employed in every facet of primary production. If I interpreted the Minister's remarks correctly, he said that a State award cannot take precedence of a Commonwealth award covering the same industrial matter. If this is so, I cannot see why he is objecting to the amendment. This is confusing an issue on which we have known where we stood up to now. The Hon. Mr. Kemp stated that he has had two opposing opinions on this. Would he indicate, if not by name, the source of the opinion in opposition to the Minister. If the amendment does not do anything more than the Minister has said, will he consider accepting it?

The Hon. A. F. KNEEBONE: The reason I cannot accept this amendment is that it does not go on to say "and embracing the same industrial matter". As the amendment is worded now, it would stop anything being done in respect of anybody within the agricultural field in respect of any order or matter that might need attending to. This amendment goes far beyond anything included in a Commonwealth award being subject to a State award. Anything in the nature of an industrial matter not included in a Commonwealth award could not be touched in the State.

The Hon. G. J. Gilfillan: "Matter" as distinct from "industry".

The Hon. A. F. KNEEBONE: Honourable members can see what the definition of "industry" in the interpretation clause includes. There is the Pastoral Industry Award, and the Fruitgrowing Award in regard to fruitgrowing. They are separate parts of agriculture and separate industries, which are not covered by the same award. Therefore, we can refer to any section of an industry when we talk about the "same" industry. The amendment goes much farther than the Constitution lays down in matters of inconsistency between State and Commonwealth tribunals. If this was in line with the Constitution (as I agreed to in informal discussions that I had, when I said, "If this will satisfy you, I am prepared to talk to my people about it and get it accepted"), I would accept it; but this amendment is not in like terms; it goes further, by reason of its open nature, than the legal position in the Constitution. I have already explained this several times.

The Hon. A. M. Whyte: What has the Minister against the roping-in procedure?

The Hon. A. F. KNEEBONE: Nothing.

The Hon. A. M. Whyte: All these problems could be answered by "roping in". What has the Minister in favour of the State tribunal as against roping-in under a Commonwealth award?

The Hon. A. F. KNEEBONE: I have explained this several times.

The Hon. A. M. Whyte: I want advice on it.

The Hon. A. J. Shard: We have told you many times.

The Hon. A. M. Whyte: But not very well.

The Hon. A. F. KNEEBONE: Much time and money are spent on getting a Commonwealth award. A log of claims is served to make people parties to the dispute. They become respondents to the award. The only way to add further people to the award is to go through the same procedure again. In the meantime, people are award-free. A man covered by an award may sell his property to somebody else, but the person to whom he sells the property is not bound by the award until he is caught up with under a roping-in award. This does not apply in the State jurisdiction. I explained all this during the second reading debate. I do not know what the honourable member fears, because the State tribunal is reasonable and does not go beyond the Commonwealth tribunal. The Commonwealth award is generally repeated in the State award.

The Hon. R. A. Geddes: It would be easier for an employer to appeal to a State tribunal than to a Commonwealth tribunal.

The Hon. A. F. KNEEBONE: Of course it would. As a result of what this amendment seeks to do, if we have a dispute in the industry, it is child's play to go to the State tribunal and get the matter settled, whereas it is both expensive and time-consuming to go to the Commonwealth tribunal. In that case our production would be held up. If this amendment is accepted and these people are not covered by the Commonwealth award and are award-free and a dispute arises, we are in difficulty because the matter has been dealt with by the Commonwealth tribunal and these people are not respondents to the Commonwealth award; therefore, they cannot go to the Commonwealth or the State tribunal. They must get out of the trouble as best they can. If he wants to go ahead with the amendment, in addition to making himself a laughing-stock he

will get himself into all sorts of trouble, and he will have to get himself out of it.

The Committee divided on the amendment:

Ayes (10)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, Sir Norman Jude, H. K. Kemp (teller), C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, S. C. Bevan, R. A. Geddes, L. R. Hart, C. M. Hill, A. F. Kneebone (teller), F. J. Potter and A. J. Shard.

Majority of 2 for the Ayes.

Amendment thus carried.

The Hon. H. K. KEMP moved:

After "incurred" to insert "(*b*) an employer who is named as a party to or is otherwise bound by an award of the Commonwealth Conciliation and Arbitration Commission in respect of agriculture shall not be subject to any award or order of the commission or a committee relating to the same industry."

The Committee divided on the amendment:

Ayes (10)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, Sir Norman Jude, H. K. Kemp (teller), C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, S. C. Bevan, R. A. Geddes, L. R. Hart, C. M. Hill, A. F. Kneebone (teller), F. J. Potter and A. J. Shard.

Majority of 2 for the Ayes.

Amendment thus carried; clause, as further amended, passed.

Bill read a third time and passed.

PUBLIC SERVICE BILL

Adjourned debate on second reading.

(Continued from October 26. Page 3081.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which can be described as a Committee Bill although it deals with only the one subject, namely, the administration of the Public Service. It has been overdue for some time because, as the Minister said, the number of officers within the scope of this legislation has increased from 1,631 in 1916 to the present figure of 8,668, which is a rapid growth in that period. At this stage, there is a good argument for setting up the new Public Service Board. It may be said by some people that this will increase the costs of administration of the Public Service, and I suppose there is something in this argument. However, in other States a board of three persons is the administrative body for the recruitment to and efficiency of the service.

There are really only two matters of principle at issue that will give honourable members food for thought. The first of these is the granting of pro rata long service leave to public servants after five years' service. I do not support this provision. Honourable members who supported the amendments to the Long Service Leave Bill providing that there should be no pro rata long service leave until 10 years have been served will hardly be able to support the granting of pro rata long service leave to public servants after five years' service.

The Long Service Leave Bill in its original form provided for pro rata leave after five years, but this period had to be five years of adult service. However, in this Bill there is not even the suggestion that the five years should be adult service. So, if a lad joined the Public Service at the age of 16 and left it at the age of 21 he would be entitled to pro rata long service leave—after five years' junior service. This is unnecessary and, if we are to be consistent, we can hardly approve such a provision.

The Hon. D. H. L. Banfield: Why should a junior have to work longer for pro rata long service leave than an adult has to?

The Hon. F. J. POTTER: I could have asked the honourable member that question when he was dealing with the Long Service Leave Bill. I think the principal reason why it should be five years' adult service is to get over the period during which a person serves his indentures. If the period of five years related to junior service, a person would no sooner have served his indentures than he would be entitled to pro rata long service leave. Indeed, we may have the same position in the Public Service because some people receive cadetships on entering the service; these cadetships may continue for five years, and the officers may just become qualified—

The Hon. A. F. Kneebone: The officer receives his long service leave now on the basis of all his service.

The Hon. F. J. POTTER: Yes.

The Hon. A. F. Kneebone: It is not only adult service.

The Hon. F. J. POTTER: I know; I am not suggesting it should be on adult service only, but I am suggesting that, to be consistent, we cannot go along with the idea of pro rata long service leave after five years' service.

The other matter of principle in this Bill is that under clause 82 there is to be four

weeks' annual leave for public servants. Three days of grace have been granted to public servants over the Christmas period for some years (this practice commenced during the Playford Government's regime) because it would be uneconomic for many Government departments to open during this period. Many businesses and commercial offices are closed.

The Hon. A. F. Kneebone: Some departments must work during this period.

The Hon. F. J. POTTER: Yes; I believe the Motor Vehicles Department officers must work.

The Hon. A. F. Kneebone: These people, prior to the Labor Government's coming to office, did not receive equivalent days off.

The Hon. F. J. POTTER: I am glad to know they receive a *quid pro quo* from this Government. I am not in any way complaining about the grace days system. The shutdown over Christmas is becoming more universal with the general introduction of three weeks' annual leave in industry and commerce; the days during the Christmas period are counted as part of the annual leave. I am sure any Government would continue the system of grace days. However, the provision I am referring to increases the annual leave to four weeks. I have heard it suggested that this does not amount to very much. It is said that it means only that some employees will receive an extra couple of working days off, but I am not so sure about this provision.

Some implications of this worry me. First, the Premier has publicly stated that he estimated the cost of this extra week's annual leave to be about $1,750,000. However, there was some doubt and retraction in connection with this matter. If, in fact, we grant four weeks' annual leave to public servants it will be only a very short time before this extra week's leave is extended to fields outside the Public Service.

The Hon. A. F. Kneebone: It took a long while before.

The Hon. F. J. POTTER: It will not take long because, first of all, there are many people who are actually not subject to the provisions of the Public Service Act but who have always had their leave conditions fixed as though they were in the Public Service.

The Hon. A. J. Shard: That's not true. It is a long way from being correct.

The Hon. F. J. POTTER: The class that comes to mind is the nurses. Nurses in general hospitals have always been granted the same leave conditions.

The Hon. A. J. Shard: Some have been granted more. They are not on a comparable basis.

The Hon. F. J. POTTER: If we grant an extra week's leave to persons who are working on the administrative staff of a hospital or doing administrative jobs alongside the nurses, we cannot expect anything but that the nurses will want four weeks' annual leave.

The Hon. A. F. Kneebone: They get more than that now.

The Hon. F. J. POTTER: Some of them do but not all of them.

The Hon. A. J. Shard: The bulk of them do.

The Hon. F. J. POTTER: I should like the Minister to tell me whether, in fact, the estimate of the $1,750,000 additional cost includes the cost of extra leave to nurses in Government hospitals or whether it relates purely and simply to the Public Service. If four weeks' annual leave is granted to public servants we shall have to give the same amount of leave to nurses. If it must be given to nurses in general hospitals this will mean that there will be extra costs involved and extra trouble in finding sufficient additional staff to cope with the additional leave. If nurses in general hospitals are given the extra leave, then nurses in private hospitals and in subsidized hospitals will demand it.

The next big division in outside industry that will be clearly concerned with annual leave will be clerks and people who are subject to other awards of the State Industrial Commission. It should be clearly understood that Commonwealth public servants in South Australia get three weeks' leave, the same as State public servants receive at present. It seems to me that for the sake of establishing new precedents and for the sake of pioneering new standards this Government has seen fit to attempt to fulfil the demands or the requests of this limited section of our community. I think this is another attempt by the Government to satisfy a section of people which it thinks is influential and which might support the Government at the ballot box.

The Hon. A. F. Kneebone: This was promised before the last election.

The Hon. F. J. POTTER: It may have been promised before the last election. I am not suggesting it was not. I do not know whether or not it was in the policy speech, but it is the kind of promise that is easily churned out among many others by this Government. I give the Government credit for keeping its promises because as far as I can see it has not

failed to attempt to put into legislative form each and every one of the promises it made as far as hand-outs were concerned. Leave has not only been upgraded in the case of annual leave but there has been a lifting of the ceiling allowed under the Act for the accumulation of sick leave. Previously there was a maximum of, I think, 160 days, which has been extended to an indefinite number. Clause 99 provides for special leave up to three working weeks in one year to be granted by the board in certain special circumstances. In the old Act this was six days, so again there has been a lifting of this leave.

All in all I do not think that members of the Public Service have much to complain about as far as their general leave benefits are concerned, because they will have superior annual leave to other sections of the community if the Bill is passed. They will have long service leave equal to the best anywhere. Indeed, if the Bill is passed without amendment they would have long service benefits superior to anywhere else. They have a generous accumulation of sick leave at an annual rate as good as anywhere else. There is provision for special leave in clause 99 and, in addition, there are other odd benefits so far as leave is concerned that are available to most officers in the service, such as a half-day off for the Royal Show. They have had this, of course, over a number of years.

I support the second reading. The Bill is a satisfactory one. It shows the pattern of the old Act in many ways throughout the clauses. If the Parliamentary Draftsman could have done with this Bill what he did with the Industrial Code Bill and put the section of the corresponding Act in the marginal note it would have been helpful. I have had to plough through the old Act myself and find the corresponding sections. There has been some repetition of the old Act and also a number of changes—all, I think, to the good. We have in South Australia an efficient Public Service that deserves the best possible conditions, but we cannot just regard it as being a small pool of employees unrelated to all other employees in general industry and outside employment. We shall make a big mistake if we think we can get some benefits to this section of the community and not expect them to affect other employees in general industry—because they will. These benefits cannot be contained: they must inevitably percolate through to other sections of the community.

At this time, when we are facing one of the worst droughts in our State's history, I question whether it is appropriate to introduce a Bill of this kind. I know that inevitably more leisure will be available to the people. With increasing automation in the Public Service and in industry generally, we shall have to think seriously about further increments in recreation leave. Inevitably that will come, but I question whether now is the appropriate time for an extra cost to be imposed on the Public Service, when these benefits are not being conferred on other sections of the community, which cannot bear such costs.

The Hon. A. J. Shard: I have heard that before. It is never the right time to correct things or introduce innovations.

The Hon. F. J. POTTER: This is not a correction: it is an implementation of a certain pioneering policy.

The Hon. A. J. Shard: Call it what you like, it is never the right time.

The Hon. F. J. POTTER: Nevertheless, it is not correcting any anomalies; it is, if anything, creating an anomaly.

The Hon. A. J. Shard: Let us say it is never the right time to do anything.

The Hon. F. J. POTTER: I support the second reading.

The Hon. G. J. GILFILLAN (Northern): I have listened with interest to the Hon. Mr. Potter. Most of us who have travelled around the State recently cannot but be aware of the responsibility facing Parliament now, particularly in respect of any legislation that adds to the cost of Government. This Bill has many necessary provisions as it is a long time since this legislation first came into force, and the Government rightly has taken the opportunity of reviewing it in detail, so that we now have this Bill before us. There are at least two provisions causing responsible members concern—those referring to pro rata long service leave after five years, and four weeks' annual leave.

The provision relating to pro rata long service leave after five years introduces a new factor—that it is not confined to adults. A person who has just turned 21 could become eligible for long service leave. Although four weeks' annual leave was a plank of the Government's election platform, that promise was given at a time when the State was prosperous with almost full employment, a Budget credit balance and the trust funds intact. We now, of course, have suffered a complete reversal of that position: we have a high rate of unemployment; we have seen a depressed

building industry, and secondary industry is suffering disabilities.

Now, in the last few months, it has been confirmed beyond doubt that primary industry, too, is facing a crisis; yet this Bill is now introduced, involving an estimated extra cost to the Government of $1,750,000. It confers no financial benefit on anyone. Other sections of the community could follow with claims that could result in considerably more than $1,750,000 having to be found by the State. No benefit is being conferred other than extra leisure. We in Parliament hope (and sometimes say openly) that we are here to safeguard the interests of the underprivileged—the unemployed, the person who is facing bankruptcy today (his numbers are increasing) and the people on the land affected by drought. Not only does this legislation show no concern for those underprivileged people but our resources are directed towards not financially helping the needy but conferring the benefits of extra leisure on those people already securely employed. This money could well be devoted to trying to solve the problems of those underprivileged people; it could be used as relief money.

In the last two years we have been living at about $8,000,000 a year more than our income. I am referring now to the Treasurer's Budget speech, where he budgeted for a deficit of $3,967,000—nearly $4,000,000. His words were, "This is done with a modest anticipation of improved revenues from an improving economy." Although we were concerned about the season when the Budget was introduced, our concern has now been confirmed and we are facing a drought which, if not the worst ever in South Australia, is certainly one of the worst. In previous dry years within the last 20 years or so we have been fortunate in that our secondary industry has been prospering, but now we are faced with the dual problem of a depressed secondary industry and a depressed primary industry. If this estimated annual deficit of about $4,000,000 is not exceeded, one-third of the trust funds will be used up, this again being the Treasurer's figure. If we exceed the deficit of $4,000,000, it is probable that our inroads into the trust funds will be greater. I believe that members of the Public Service are responsible people who, with their families, are concerned for the future welfare of this State. Many have children old enough to be seeking employment, and many hope to educate their children to a stage where they will have the chance to advance in a prosperous State. I am sure that receiving an extra week's recreation leave and extra pro rata long service leave will be pleasant for them, but many of them will be concerned at the extra cost and at the extra financial burden to be placed on the State. I do not oppose granting these privileges when this is possible without causing harm to other sections of the community, who are already suffering. Four weeks' annual leave and pro rata long service leave after five years were part of the election platform of the present Government, which has honoured many of its promises and, in some cases, exceeded them.

The Hon. S. C. Bevan: We have a mandate for this.

The Hon. G. J. GILFILLAN: I am aware of that: although it was one of the election promises, the Government should be responsible for decisions of this kind and such a matter should have been considered and, because of the present circumstances, deferred until the State's economy showed some improvement. It certainly should not have been introduced with the economy in its present position and with much real distress and worry being suffered by so many people. I support the Bill, but I have reservations about the two clauses to which I referred.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

PACKAGES BILL

In Committee.

(Continued from October 26. Page 3071.)

Clause 27—"Selling an article not marked with an approved brand, etc."—which the Hon. R. A. Geddes had moved to amend by striking out paragraphs (*a*) and (*b*) and by striking out "and (*c*)".

The Hon. R. A. GEDDES: The aim of the Bill is to enable an article that can be lawfully sold in one State to be lawfully sold in another State. If my amendment were carried, a shoddy article manufactured in another State could be sold in South Australia and the manufacturer could not be charged, because the storekeeper would not have to disclose how, why, or when he received the article. If the shoddy article were manufactured in South Australia it could not be sold in any other State, because the manufacturer here would come under the provisions of Part IV, as it applies in other States. It is difficult for Parliament to provide how Acts will be administered when dealing with uniform legislation, and this is why I have to withdraw this

amendment. Because of political pressures the Government, instead of charging the packer with an offence under the Bill, would charge the re-seller for having an article wrongly packed or marked or in some other way infringing the provisions of this Bill, so that the small fish would be caught instead of the big fish. The practice is wrong. I object to uniform legislation that enables the small man to be prosecuted in order to catch the big man, and I hope that soon Part IV of this Bill will be eliminated. The packer is the offender who should be caught; the person selling the article in the corner shop or in a supermarket should not be. I regret that I shall have to ask leave to withdraw my amendment, and I shall not proceed with my other amendments that have a similar effect.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 28 to 34 passed.

Clause 35—"Selling article marked with statement as to reduced price."

The Hon. R. A. GEDDES: I move:

After "Act" to insert "unless the sale of that article is authorized by a permit".

The clause will not work as it is, because other provisions in the Bill provide that the Minister may issue permits.

The Hon. S. C. BEVAN: I do not object to this amendment.

Amendment carried; clause as amended passed.

Clauses 36 to 45 passed.

Clause 46—"Compensation."

The Hon. R. A. GEDDES: I move:

In subclause (1) after "court" first occurring to insert "constituted by a special magistrate".

The problem my amendment seeks to solve may relate to the question of uniform legislation. I understand that two justices of the peace could be called together, especially in the country, to rule on some of the offences created by this Bill. Justices of the peace, generally speaking, have never had the privilege of awarding damages up to $1,000, whereas magistrates, who are legally trained men, presiding in local courts in South Australia have a jurisdiction up to $2,500.

Amendment carried; clause as amended passed.

Clause 47 and title passed.

Bill read a third time and passed.

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It is designed to remedy a number of serious abuses that have grown up in relation to the Places of Public Entertainment Act and to liberalize to some extent the law relating to entertainment on Sundays. The Act at present permits any person of moderate ingenuity to flaunt its provisions with impunity, to the detriment of public safety and convenience. Honourable members will perhaps know of one discotheque which, having been closed down for its failure to comply with the Act, succeeded in evading the provisions of the Act by requiring its patrons to become members of a club, thus divesting them of their character as members of the public and depriving them of protection under the Places of Public Entertainment Act. The concern that the Government felt in relation to this particular discotheque was amply vindicated when the premises were destroyed by fire a short time later. In the course of the last few days this same pseudo-club has commenced business in the Vardon Price building in Grote Street. The premises are highly susceptible to fire and no adequate measures have been taken to safeguard the patrons. It is clear that, in this instance alone, legislation is urgently needed to avert a major tragedy.

The ability of some entertainment promoters to escape the obligations of the Act has reacted upon others who find themselves unable to compete with those who are not subject to the Act. The breaches that have already been made will rapidly widen unless prompt action is taken to repair them. The limitation upon the operation of the Act to the metropolitan area and certain proclaimed areas has produced absurd anomalies and has given some entertainment promoters an unjustifiable advantage over others. Again, the irregular application of the Act has been deliberately used in order to evade its provisions. The Bill strikes out the provisions that limit the operation of the Act and it will henceforth apply throughout South Australia.

The provisions of the Act relating to cabarets have long caused difficulties and anomalies. The present section 25a exempts the proprietor of a cabaret from all material provisions of the Act. The Minister is left with only minimal control over safety, and no

control at all over other important aspects of cabaret entertainment. In the past the cabaret proprietor has had anomalous advantages over other entertainment promoters in that, by providing a minimum of refreshments, he has been able to conduct entertainment at any time on a Sunday. The proposed amendments strike out section 25a and bring cabarets within the provisions of the legislation. Whilst it is intended that all cabarets should ultimately comply fully with the legislation, it is impossible to accomplish this immediately without putting a number of cabarets out of business. Thus, where a cabaret has been operating in the past and does not conform with the Act, the Minister may, if satisfied that the safety of patrons is adequately protected, grant certain exemptions from the provisions of the legislation, but may attach conditions to those exemptions that will ensure that the cabaret premises are brought into conformity with the Act.

The provisions relating to the conduct of public entertainment on Sundays liberalize the present position, but without impairing the rights of those who regard Sunday as a day of rest. Thus, the Bill prohibits sporting exhibitions that are likely to draw large crowds and cause appreciable disturbance. Whilst a permit may be granted by the Minister authorizing the permittee to hold an entertainment which is otherwise forbidden on a Sunday, the Minister is required before granting a permit to consider whether the susceptibilities of persons in society generally or in the vicinity of the proposed entertainment are likely to be injured by the granting of the permit, whether the quiet of the neighbourhood will be unduly disturbed and whether there will be a significant increase in the number of persons required to work on a Sunday. The Bill thus pursues a middle course, which should be to the satisfaction of all sections of the community.

The provisions of the Bill are as follows: Clauses 1 and 2 are merely formal. Clause 3 amends section 3 of the principal Act, which deals with interpretation. A new definition of "place of public entertainment" is inserted. This definition is in slightly wider terms than the previous definition, as some doubt has been expressed as to whether a sideshow, for example, would fall within the previous definition. The definition of "public entertainment" is amended. The amendment is designed to prevent the abuse that has been previously referred to, whereby an entertainment promoter can escape the provisions of the legislation by forming a club. The amendment makes it clear that the fact that admission is restricted to persons who are members of a club or who possess any other qualification or characteristic does not mean that the entertainment does not fall within the provisions of the legislation. A new subsection (2) is inserted; this provides that the Sunday Observance Act, 1780, does not apply in South Australia. It is considered that the Act probably does not apply in any case, but this subsection puts the matter beyond doubt. New subsection (3) provides that the legislation does not apply to entertainment for which a permit has been granted under the Licensing Act, 1967, or to the place in which that entertainment is conducted.

Clause 4 repeals section 4 of the principal Act. This is the section that limits the operation of the Act to the metropolitan area and certain other proclaimed areas. The Act will now apply throughout South Australia. New section 4 permits the Minister to exempt a *bona fide* club from the provisions of the Act. The necessary widening of the definition of "public entertainment" will have the consequence of bringing a number of *bona fide* clubs, which conduct a number of public entertainments in the course of their activities, within the provisions of the Act. This new provision permits the Minister to exempt these clubs from the provisions of the Act, provided that adequate measures are taken to ensure the safety, health and convenience of persons in the club premises. Clause 5 amends section 17 of the principal Act. A new paragraph is added to enable regulations to be made to enable persons to make an unimpeded exit from a place of public entertainment. A further paragraph permits the Governor to prescribe the speed limit in drive-in theatres. Regulations may be made under new paragraph (*q*) prescribing such things as are necessary or expedient to ensure that the public entertainment is not so conducted as to interfere with the comfort or convenience of persons not participating therein.

Clause 6 amends section 20 of the principal Act. The prohibition against Sunday entertainment is reduced to a prohibition between the hours of three o'clock in the morning and one o'clock in the afternoon. New subsection (3) specifies a number of entertainments that are prohibited on Sundays and, in addition,

permits the Minister by notice published in the *Government Gazette* to add further categories of prohibited entertainment. New subsection (4) permits the Minister to grant a permit for the holding of any of these prohibited entertainments. He is, however, required to respect the sensibilities of persons in the neighbourhood with regard to this matter and is required to consider whether the holding of the entertainment will unduly disturb the quiet of the neighbourhood and whether it will cause an increase in the number of persons required to work on a Sunday. New subsection (4) prohibits cinematographic and theatrical performances between six and eight o'clock in the evening without the written consent of the Minister.

Clause 7 inserts new sections 25a and 25b in the principal Act. New section 25a deals with billiard saloons. These were previously licensed under the Licensing Act. However, the provisions were not repeated in the new Licensing Act, as it was considered that they belonged more appropriately to this Act. New section 25a permits the Minister to grant exemptions from the provisions of the Act to proprietors of billiard saloons that were licensed under the old Licensing Act immediately before its repeal. This is necessary, as many do not comply with the Places of Public Entertainment Act and many proprietors would be forced out of business if they were compelled immediately to comply with the full provisions of the Act. However, the Minister may grant an exemption on condition that the premises are brought into conformity with the Act. New section 25b deals with cabarets. Existing cabarets may be exempted from the full effect of the Act, but likewise their proprietors may be required to bring them into conformity with the Act. Clause 8 makes a number of decimal currency amendments.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

HARBORS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 26. Page 3071.)

The Hon. C. D. ROWE (Midland): I do not think it is necessary to detain the Council very long on this Bill, which is of a minor nature and does two things. Clause 3 amends section 78 of the principle Act. That section enables the Minister to grant licences for the construction of wharves and other works to owners or occupiers of land adjoining the foreshore. It has been thought that "foreshore" is a harbour within the meaning of section 43 of the Act. The Murray River has been declared to be a harbour since 1914. This power, which the Minister has or was thought to have, to grant permission for the construction of wharves or other works on the Murray River has been used on very many occasions but, apparently, some doubt has recently been cast on whether section 78 in its present form extends to the Murray River.

The purpose of clause 3 is to make certain that the Minister may give power to erect wharves and other structures on the foreshore of the Murray River. It seems to me that that has cleared up what may be a doubt, and I see no objection to the clause.

The other amendment is made by clauses 4 and 5. By section 144 the Governor has power to make regulations regarding the licensing of surveyors of the hulls and cargoes of vessels, and section 168 makes it an offence for an unlicensed person to act as such a surveyor without a licence. Apparently, with the development of shipping in recent years, these surveyors are not now used, or if they are used it is considered there is no point in having them licensed because, generally speaking, the condition of cargoes for export must be watched carefully and this work is now largely performed by officers of the Department of Primary Industry and surveyors of the Department of Shipping and Transport. Therefore, under modern conditions it is reasonable to remove these licensing requirements. The Bill is a small one and does what is necessary in the circumstances. I support the Bill.

Bill read a second time and taken through its remaining stages.

POLICE OFFENCES ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

LOTTERY AND GAMING ACT AMENDMENT BILL (No. 3)

Received from the House of Assembly and read a first time.

LONG SERVICE LEAVE BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 1 without amendment and disagreed to amendments Nos. 2 to 19.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry) moved:

That the Legislative Council do not insist on its amendments Nos. 2 to 19.

Motion negatived.

PLANNING AND DEVELOPMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

PUBLIC EXAMINATIONS BOARD BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 11.59 p.m. the Council adjourned until Wednesday, November 1, at 2.15 p.m.